

# **NATIONAL PARK SERVICE**

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## **REFERENCE MANUAL**

### **RM 41:**

## **WILDERNESS PRESERVATION AND MANAGEMENT**

**NATIONAL PARK SERVICE  
U.S. DEPARTMENT OF THE INTERIOR  
July 1999**

    /s/ Robert Stanton      
**Robert Stanton, Director**

“Something will have gone out of us as a people if we ever let the remaining wilderness be destroyed; if we permit the last virgin forests to be turned into comic books and plastic cases; if we drive the few remaining members of the wild species into zoos or to extinction; if we pollute the last clear air and dirty the last clean streams and push our paved roads through the last of the silence, so that never again will Americans be free in their own country from the noise, the exhausts, stinks of human and automotive waste. And so that never again can we have the chance to see ourselves single, separate, vertical and individual in the world, part of the environment of trees and rocks and soil, brother to the other animals, part of the natural world and competent to belong in it. Without any remaining wilderness we are committed wholly, without chance for even momentary reflection and rest, to a headlong drive into our technology termite-life, the Brave New World of a completely man-controlled environment. We need wilderness preserved—as much of it as is still left, and as many kinds—because it was the challenge against which our character as a people was formed. The reminder and the reassurance that it still there is good for our spiritual health even if we never once in ten years set foot in it. It is good for us when we are young, because of the incomparable sanity it can bring briefly, as vacation and rest, into our insane lives. It is important to us when we are old simply because it is there—important, that is, simply as idea....These are some of the things wilderness can do for us. That is the reason we need to put into effect, for its preservation, some other principle than the principles of exploitation or ‘usefulness’ or even recreation. We simply need that wild country available to us, even if we never do more than drive to its edge and look in. For it can be a means of reassuring ourselves of our sanity as creatures, part of the geography of hope.

Wallace Stegner  
Coda: Wilderness Letter (1960)

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## **I. BACKGROUND AND PURPOSE**

The Wilderness Act of September 3, 1964, established the National Wilderness Preservation System and identified the National Park Service (NPS) as one of the four federal agencies responsible for the protection and preservation of the nation's wilderness resource. The language within the Wilderness Act clearly shows Congress intended wilderness areas within units of the National Park System receive special attention in addition to that resulting from other laws and policies affecting national park resources. Wilderness areas are to be given supplemental and permanent protection beyond that normally afforded other backcountry resources. This requires park managers to know and understand the laws, policies, and procedures that apply to wilderness in addition to those that apply to national park areas in general.

The purpose of Reference Manual #41 is to provide superintendents and park staff with the essential information on the laws, policies, and procedures applicable to wilderness preservation and management within the National Park System. The Reference Manual contains National Park Service **Management Policies** and supplemental information needed to assist managers in meeting their responsibilities toward the wilderness resource. The Reference Manual also includes NPS **Director's Order # 41** that provides further clarification and interpretation of the Service's wilderness policies. The goal of the Reference Manual is to provide as much information as practical to assist field managers in making both day-to-day and long-term decisions affecting National Park Service wilderness.

## **II. LEGISLATIVE GUIDANCE APPLICABLE TO NPS WILDERNESS PRESERVATION AND MANAGEMENT**

There are several laws, or specific provisions within those laws, that have significant implications to the way the National Park Service preserves and manages wilderness. National Park Service employees whose responsibilities include wilderness planning and management should become familiar with the way the Service interprets those laws or provisions, as discussed in the following subsections.

### **A. THE RELATIONSHIP BETWEEN THE WILDERNESS ACT AND THE NATIONAL PARK SERVICE ORGANIC ACT**

The 1916 Organic Act of the National Park Service states that the purpose of the national parks is to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (16 U.S.C. 1). Under this statute, the National Park Service fostered the steady development of national parks, as early managers responded to the perceived need to promote increased visitation and support for the national park idea. Development has taken the form of roads and trails, visitor centers, employee

housing and infrastructure, patrol cabins, communications towers, airstrips and helicopter landing sites, campgrounds, livestock enclosures, and other recreational facilities.

The amount and degree of park development throughout the decades of the 1930's, 1940's and 1950's caused a growing concern in the environmental community, and among many NPS staff, that the National Park Service was placing too much emphasis on development and not enough on the preservation of pristine lands. This concern led Congress to include the National Park Service within the scope of the Wilderness Act of 1964 (P. L. 88-577, 16 U.S.C. 1131 et seq., Reference Manual #41: Appendix A).

While the Wilderness Act of 1964 echoes many of the words of the Organic Act, it provides a degree of protection to the resources of the National Park System that the National Park Service Organic Act does not. The Wilderness Act directs that wilderness areas, even within national parks, "shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment **as wilderness**" [emphasis added].

While the National Park Service Organic Act and the Wilderness Act speak in comparable terms about preserving the integrity of resources, the Wilderness Act prohibits activities in national park wilderness areas that the Organic Act permits or leaves open to interpretation by park managers. The effect of the Wilderness Act is to unambiguously place an additional layer of protection on wilderness areas within the National Park System.

The National Park Service Management Policies and Director's Order on wilderness preservation and management reflect the purpose of the Wilderness Act and are intended to establish consistent servicewide direction for the preservation, management, and use of wilderness. Certain requirements, however, may be affected by statutory provisions that apply to individual wilderness areas, by rights reserved by former landowners, and in Alaska, by applicable provision of the Alaska National Interest Lands Conservation Act (ANILCA, 16 USC 3101 et seq., Reference Manual #41: Appendix B).

## **B. CLARIFYING SECTION 4(a)(3) OF THE WILDERNESS ACT**

The Wilderness Act contains language Section 4 (a)(3), 16 U.S.C. 1133(a)(3), which states: *"Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any...unit of the national park system as a wilderness area shall in no manner lower the standards evolved for the use and preservation of such park, monument or other unit of the national park system."* Some park managers and staff erroneously interpret this statement to imply that units of the National Park System might be exempt from the requirements of the Wilderness Act. The following information is intended to clarify this misunderstanding.

Congress included some sections within the Wilderness Act that are generally applicable only to U.S. Forest Service and Bureau of Land Management wilderness areas. These sections included the ability to conduct mineral surveys, locate mineral claims, authorize water projects,

continue grazing allocations, and provide access to inholdings and mining claims. To avoid the implication that these exceptions were somehow applicable to units of the National Park Service, Congress added the above Section 4(a)(3) statement. This language was meant to guard against interpretations that would make these special provisions in the Act applicable to the NPS unless specifically provided by legislation. In a 1967 opinion, the Department of the Interior Solicitor wrote, "it is obvious that Congress could only have intended by the Wilderness Act that wilderness designation of national park system lands should, if anything, result in a higher, rather than a lower, standard of unimpaired preservation."

The intention of the Congress to provide additional protection to NPS wilderness areas is further emphasized in Section 4(a) of the Wilderness Act, which states: "*The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national parks and national wildlife refuge system are established and administered.*" Section 4(b) also states that "*...each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.*"

#### **C. CLARIFYING SECTION 4(d)(1) OF THE WILDERNESS**

NPS wilderness managers need to carefully read their individual authorizing legislation to understand Congressional intent with respect to Section 4(d)(1), 16 U.S.C. 1133(d)(1) of the Wilderness Act. In most NPS wilderness areas, the Congress purposefully provided the Secretary of the Interior with some of the same authorities as the Secretary of Agriculture to permit the continued operation of certain pre-existing aircraft or motorboat uses to continue, subject to such restrictions as the Secretary might deem desirable. Such pre-existing uses should be addressed by the National Park Service in wilderness studies as well as in wilderness management planning.

#### **D. ADDITIONAL EMPHASIS ON PRESERVATION PROVIDED BY THE REDWOOD NATIONAL PARK EXPANSION ACT OF MARCH 27, 1978**

The protection and preservation of natural resources as the primary purpose of the various areas of the National Park System was emphasized by the Redwoods National Park Expansion Act of 1978 (P.L. 95-250, 92 Stat. 163, as amended, 1978). This Act re-emphasized that park management must be consistent with "the first section of the Act of August 25, 1916," and that management actions "shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress."

In 1986 the U.S. District Court for the District of Columbia, in the case of the National Rifle Association v. Potter, stated: "In the Organic Act Congress speaks of but a single purpose,

namely conservation." The court further stated that "finally, in its 1978 rider to the Redwood National Park Expansion Act, Congress reiterated its intention that the National Park System be administered in furtherance of the 'purpose' (not purposes) of the Organic Act, that being, of course, the conservation of...wildlife resources." Wilderness preservation should be considered among the purest applications of the Service's responsibilities for protecting 'wildlife,' its habitat, and the conservation of associated resources.

#### **E. SIGNIFICANCE OF THE EASTERN WILDERNESS ACT**

While the Eastern Wilderness Act (P.L. 93-622, 16 U.S.C. 1131, et. seq.) does reference "certain areas in the National Park System in the eastern half of the United States..." in its stated purpose of expanding the National Wilderness Preservation System, the law contains no specific direction concerning NPS lands and targeted "National Forest areas east of the 100th meridian." Never the less, it resolved a long-standing debate concerning how "pure" an area must be before it can be considered for wilderness designation. By including lands that had previously been clearcut or had abandoned roads, Congress implied that wilderness did not have to consist solely of pristine old-growth forests, and that lands previously disturbed could be rehabilitated to meet wilderness standards and qualities.

### **III. MANAGEMENT POLICIES: CHAPTER 6 WILDERNESS PRESERVATION AND MANAGEMENT**

National Park Service Management Policies set the framework and provide direction for management decisions. Servicewide policies governing wilderness preservation and management are articulated primarily in Chapter 6 of the National Park Service Management Policies, and are based on statutory provisions, including those described in Section II. The policies that guide the preservation and management of National Park Service wilderness are as follows: (cross-references pertain to other sections of National Park Service Management Policies, except as otherwise noted).

#### **6.1 GENERAL STATEMENT.**

The National Park Service will manage wilderness areas for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness. Management will include the protection of these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness. The public purpose of wilderness in the national parks includes the preservation of wilderness character and wilderness resources in an unimpaired condition, as well as for the purposes of recreational, scenic, scientific, education, conservation, and historical use.

## 6.2 IDENTIFICATION AND DESIGNATION OF THE WILDERNESS RESOURCE

The National Park Service will use the following wilderness study process to consider National Park Service areas for inclusion within the Congressionally designated National Wilderness Preservation System.

**6.2.1 Assessment of Wilderness Suitability or Nonsuitability.** All lands administered by the National Park Service, including new units or additions to existing units since 1964, will be evaluated for their suitability for inclusion within the National Wilderness Preservation System. A **wilderness suitability assessment** will consist of a brief memorandum, from the Regional Director to the Director, to be completed no later than one year after the establishment of the park or the acquisition of new lands, that makes a managerial determination as to the suitability of the new unit or new acreage to be studied for wilderness designation, either as a new wilderness area or as an addition to an existing area.

National Park Service lands will be considered suitable for wilderness if they are at least five thousand acres or a sufficient size to make practicable their preservation and use in an unimpaired condition, and if they possess the following characteristics (as identified in the Wilderness Act):

- where the earth and its community of life are untrammeled by man -- where man himself is a visitor who does not remain;
- undeveloped federal land retaining its primeval character and influence, without permanent improvements or human habitation;
- which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
- which is protected and managed so as to preserve its natural conditions; and
- which has outstanding opportunities for solitude or a primitive and unconfined type of recreation;

A wilderness area may also contain significant ecological, geological, or other features of scientific, educational, scenic, or historical value; although it does not need these things to be considered suitable for wilderness designation.

Lands that have been logged, farmed, grazed, mined, or otherwise utilized in ways not involving extensive development or alteration of the landscape may also be considered suitable for wilderness designation if, at the time of assessment, the effects of these activities are substantially unnoticeable or their wilderness character could be maintained or restored through appropriate management actions.

An area will not be excluded from a determination of wilderness suitability solely because established or proposed management practices require the use of tools, equipment, or structures, if those practices are necessary to meet the minimum requirements for the administration of the area as wilderness.

In the process of determining wilderness suitability, lands will not be excluded solely because of existing rights or privileges (e.g., mineral exploration and development, commercial operations, agricultural development, grazing, or stock driveways). If the National Park Service determines that these lands possess wilderness character, these areas may be included in the suitability determination so that they can be considered for designation as wilderness or potential wilderness.

Lands containing aboveground utility lines will normally not be considered as suitable for wilderness designation, but they can be considered as suitable for “potential” wilderness designation if there is a long-term intent to remove the lines. Although relocation outside the wilderness is preferable, areas containing underground utility lines may be included if the area otherwise qualifies as wilderness and the maintenance of the utility line, including use of mechanized and motorized equipment, is administered under minimum requirement procedures identified in the park’s Wilderness Management Plan. No new utility lines may be installed in wilderness, and existing utility lines may not be extended or enlarged except as provided for in ANILCA Section 1106.

Historic features that are primary attractions for park visitors will generally not be recommended as suitable for wilderness designation. However, an area that attracts visitors primarily for the enjoyment of solitude and unconfined recreation in a primitive setting may also contain cultural resource features and still be included in wilderness. Historic trails may serve and be maintained as part of the wilderness trail system, as identified and coordinated within an approved wilderness management plan and the park’s cultural resource plan.

The Service will involve the public in the wilderness suitability assessment process through notification of its intentions to conduct the assessment and publication of its determination, either as “suitable” or as “unsuitable” for further wilderness study. Notification will include the issuance of news releases to local and regional newspapers and the publication of final suitability determination in the Federal Register.

The final determination of an area’s suitability, or unsuitability, as wilderness must be approved by the Director before publication of the final suitability determination in the Federal Register. For areas determined to be unsuitable for wilderness designation, the wilderness preservation provisions in the National Park Service Management Policies are no longer applicable.

**6.2.2 Wilderness Studies.** Lands and waters found to possess the characteristics and values of wilderness, as defined in the Wilderness Act and determined suitable pursuant to the wilderness suitability assessment, will be formally studied to develop the recommendation to

Congress for wilderness designation. The National Park Service will continue to undertake wilderness studies for newly acquired lands or units that have been determined suitable as a result of the wilderness suitability assessment. Also, studies will be made for lands where subsequent legislation directs wilderness studies be made, and any areas where there are public requests that these studies be conducted and the National Park Service has completed a wilderness suitability assessment with a determination of suitability.

Wilderness studies will be supported by appropriate documentation of compliance with the National Environmental Policy Act and the National Historic Preservation Act (16 USC 470, et seq.). The Council on Environmental Quality requires Environmental Impact Statements for wilderness studies that will result in recommendations for designations (i.e. proposals for legislation to designate as wilderness).

**6.2.2.1 Potential Wilderness.** A wilderness study may identify lands that are surrounded by or adjacent to lands proposed for wilderness designation but that do not themselves qualify for immediate designation due to temporary, non-conforming or incompatible conditions. The wilderness recommendation forwarded to the Congress by the President may identify these lands as “potential” wilderness for future designation as wilderness when the non-conforming use has been removed or eliminated. If so authorized by Congress, these potential wilderness areas will become designated wilderness upon the Secretary's determination, published in the Federal Register, that they have finally met the qualifications for designation by the cessation or termination of the non-conforming use.

**6.2.2.2 Proposed Wilderness.** The findings and conclusions of a formal wilderness study will be forwarded from the Director to the Department of the Interior (Assistant Secretary's Office) as “proposed” wilderness. The proposed wilderness recommendation will identify park lands which are being recommended for immediate wilderness designation as well as any identified as “potential” wilderness.

**6.2.3 Recommended Wilderness.** The Secretary of the Interior is responsible for recommending to the President those lands under his/her jurisdiction which qualify for inclusion within the National Wilderness Preservation System. The Secretary performs this function through the Assistant Secretary's Office by reviewing Park Service proposed wilderness and either approving or revising the proposal. The final result is forwarded to the President for his consideration. The President is then responsible for transmitting, to the President of the Senate and the Speaker of the House of Representatives, his recommendations with respect to wilderness designation. These recommendations must be accompanied by maps and boundary descriptions. The National Park Service will track the status of the wilderness designation process.

**6.2.4 Designated Wilderness.** After the President formally transmits the wilderness recommendation to the Congress, that body considers the President's wilderness recommendations and enacts the legislation needed to establish the area within the National

Wilderness Preservation System as “designated” wilderness and/or “potential” wilderness. The National Park Service will assist the Department and the Congress in this process as requested.

### **6.3 WILDERNESS RESOURCE MANAGEMENT**

**6.3.1. General Policy.** For the purposes of applying these policies, the term "wilderness" will include the categories of suitable, study, proposed, recommended, and designated wilderness. Potential wilderness may be a subset of any of these five categories. (See VI. Definitions). The policies apply regardless of category.

In addition to managing these areas for the preservation of the physical wilderness resources, planning for these areas must ensure that the wilderness character is likewise preserved. This policy will be applied to all planning documents affecting wilderness.

The National Park Service will take no action that would diminish the wilderness suitability of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. Until that time, management decisions pertaining to lands qualifying as wilderness will be made in expectation of eventual wilderness designation. This policy also applies to potential wilderness, requiring it to be managed as wilderness to the extent that existing non-conforming uses allow. The National Park Service will seek to remove the temporary, non-conforming conditions that preclude wilderness designation. All management decisions affecting wilderness will further apply the concepts of “minimum requirements” for the administration of the area regardless of wilderness category.

**6.3.2 Responsibility.** National Park Service responsibility for carrying out wilderness preservation mandates will be shared by the Director, regional directors, and superintendents of parks with suitable, study area, proposed, recommended and designated wilderness. Interagency cooperation and coordination and training responsibilities will also be carried out at the Washington, region, and park levels. Specific wilderness management responsibilities will be assigned at each of these administrative levels to carry out these responsibilities effectively and to facilitate efforts establishing agency and interagency consistency in wilderness management techniques.

The National Wilderness Steering Committee and the Wilderness Program Manager for the National Park Service will provide the Directorate with recommendations and advice to permanently establish a system of accountability, consistency, and continuity for National Park Service wilderness management.

**6.3.3 Consistency.** The National Park Service will seek to achieve consistency in wilderness management objectives, techniques, and practices on both an agency and an interagency basis. Accordingly, the National Park Service will seek to maintain effective intra-agency and interagency communications and will encourage, sponsor, and participate in intra-agency and interagency training and workshops designed to promote the sharing of ideas,

concerns, and techniques related to wilderness management. However, the need for interagency consistency will in no way diminish any established National Park Service wilderness standards and values.

**6.3.4 Wilderness Related Planning and Environmental Compliance.** Policies on wilderness planning and compliance include the following:

**6.3.4.1 Zoning for Wilderness.** As appropriate, all categories of wilderness will be zoned for visitor experiences and resource conditions consistent with their wilderness values in the management zoning system for each park. Management zoning or other land use classifications will not diminish or reduce the maximum protection to be afforded lands with wilderness values. Transition zones adjacent to wilderness may be identified to help protect wilderness values, but no transitional or "buffer" zones are appropriate within wilderness boundaries.

**6.3.4.2 Wilderness Management Planning .** The superintendent of each park containing wilderness resources will develop and maintain a wilderness management plan or equivalent planning document to guide the preservation, management, and use of these resources. The wilderness management plan will identify desired future conditions, as well as establish indicators, standards, conditions, and thresholds above which management actions will be taken to reduce human impacts to wilderness resources.

The park's wilderness management plan may be developed as a separate document or as an action component of another planning document. Wilderness management plans will be supported by appropriate documentation of compliance with the National Environmental Policy Act and the National Historic Preservation Act. The plan will be developed with public involvement, and will contain specific, measurable management objectives that address the preservation and interpretation of natural and cultural resources within wilderness in order to achieve the purposes specified by the Wilderness Act and other pertinent legislation.

**6.3.4.3 Environmental Compliance.** Proposals having the potential to impact wilderness resources will be evaluated in accordance with National Park Service procedures for implementing the National Environmental Policy Act. Those procedures include the use of categorical exclusions, environmental assessments (EA's) and/or environmental impact statements (EIS's). Administrative actions impacting wilderness must be addressed in either the EA or EIS accompanying the approved wilderness management plan, or as a separate environmental compliance document.

Managers contemplating the use of aircraft or other motorized equipment within wilderness must consider impacts to the aesthetics and traditions of wilderness, as well as the costs and efficiency of the equipment.

In evaluating environmental impacts, the National Park Service will take into account wilderness characteristics and values, including the primeval character and influence of the

wilderness; the preservation of natural conditions (including the lack of man-made noise); and assurances that there will be outstanding opportunities for solitude, that the public will be provided with a primitive and unconfined type of recreational experience, and that wilderness will be preserved and used in an unimpaired condition. Managers will be expected to appropriately address cultural resources management considerations in the development and review of environmental compliance documents impacting wilderness resources.

**6.3.5 Minimum Requirement.** All management decisions affecting wilderness must be consistent with the minimum requirement concept. This concept is a documented process used to determine if administrative activities effecting wilderness resources or the visitor experience are necessary and how to minimize impacts. The minimum requirement concept will be applied as a two-step process that determines:

- Whether or not the proposed management action is appropriate or necessary for administration of the area as wilderness; and does not pose a significant impact to wilderness resources and character; and
- The techniques and type of equipment needed to ensure that impact to wilderness resources and character is minimized.

In accordance with this policy, superintendents will apply the minimum requirement concept in the context of wilderness management planning as well as to all other administrative practices, proposed special uses, scientific activities and equipment use in wilderness. When determining minimum requirement, the potential disruption of wilderness character and resources will be considered before, and given significantly more weight than, economic efficiency and convenience. If a compromise of wilderness resources or character is unavoidable, only those actions that preserve wilderness character and/or have localized, short-term adverse impacts will be acceptable.

While park managers have flexibility in identifying the method used to determine minimum requirement (See IV.C.2) within the approved wilderness management plan, the method used must clearly weigh the benefits and impacts of the proposal, document the decision process, and be supported by an appropriate environmental compliance document. Parks with no approved wilderness management plan must develop a separate process to determine minimum requirement until the plan is finally approved. Parks will complete a minimum requirement analysis on those administrative practices and equipment use that have the potential to impact wilderness resources or values. The minimum requirement concept cannot be used to rationalize permanent roads or inappropriate or unlawful uses in wilderness.

Administrative use of motorized equipment or mechanical transport will be authorized only:

- If determined by the superintendent to be the minimum requirement needed by management to achieve the purposes of the area as wilderness, including the preservation of wilderness character and values, or

- In emergency situations (search and rescue) involving the health or safety of persons actually within the area. Such management activities will be conducted in accordance with all applicable regulations, policies, and guidelines, including minimum requirement protocols as practicable.

Such management activities will also be conducted in accordance with all applicable regulations, policies, and guidelines and, where practicable, will be scheduled to avoid creating adverse resource impacts or conflicts with visitor use.

**6.3.6 Scientific Activities in Wilderness.** The statutory purposes of wilderness include scientific activities, and these activities are encouraged and permitted when consistent with the agency's responsibilities to preserve and manage wilderness.

**6.3.6.1 General Policy.** The National Park Service has a responsibility to support appropriate scientific activities in wilderness, and to use science to improve wilderness management. The National Park Service recognizes that wilderness can and should serve as an important resource for long-term research, study, and observation of ecological processes and the impact of humans on these ecosystems. The National Park Service further recognizes that appropriate scientific activities may be critical to the long-term preservation of wilderness.

Scientific activities are to be encouraged in wilderness. Even those scientific activities (including inventory, monitoring, and research) that involve a potential impact to wilderness resources or values (including access, ground disturbance use of equipment, animal welfare, etc) should be allowed when the benefits of what can be learned outweigh the impacts on the wilderness resource or values. However, all such activities must also be evaluated using the minimum requirement concept and include documented compliance which assesses impacts against benefits to wilderness. This process should assure the activity is appropriate and utilizes the minimum tool required to accomplish project objectives.

Scientific activities involving prohibitions identified in Section 4 (c) of the Wilderness Act may be conducted within wilderness when:

- The desired information is essential for the understanding, health, management or administration of wilderness, and the project cannot be reasonably modified to eliminate or reduce the nonconforming wilderness use(s); or if it increases scientific knowledge, even when this serves no immediate wilderness management purposes, provided it does not compromise wilderness resources or character. The preservation of wilderness resources and character will be given significantly more weight than economic efficiency and/or convenience.
- Compliance with the National Environmental Policy Act (including completion of documented categorical exclusions, environmental assessments/findings of no significant impact, or environmental impact statements/records of decision) and

other regulatory compliance (including compliance with Section 106 of the National Historic Preservation Act) is accomplished and documented.

- All scientific activities will be accomplished in accordance with terms and conditions adopted at the time the research permit is approved. Later requests for exceptions to the Wilderness Act will require additional review and approval.
- The project will not significantly interfere with other wilderness purposes (recreational, scenic, educational, conservation or historical) over a broad area or for a long period of time.
- The minimum requirement concept is applied to implementation of the project.

Research and monitoring devices (e.g., video cameras, data loggers, meteorological stations) may be installed and operated in wilderness if: (1) the desired information is essential for the administration and preservation of wilderness and cannot be obtained from a location outside of wilderness without significant loss of precision and applicability, and (2) the proposed device is the minimum requirement necessary to accomplish the research objective safely.

Park Managers will work with researchers to make National Park Service wilderness area research a model for use of low-impact, less intrusive techniques. New technology and techniques will be encouraged if they are less intrusive and cause less impact. The goal will be for studies in National Park Service wilderness to lead the way in 'light on the resource' techniques.

Devices located in wilderness will be removed when determined to be no longer essential. Permanent equipment caches are prohibited within wilderness. Temporary caches must be evaluated using the minimum requirement concept.

All scientific activities, including the installation, servicing, removal, and monitoring of research devices, will apply minimum requirement concepts and be accomplished in compliance with Management Policies, Director's Orders, and procedures specified in the park's wilderness management plan.

(See Studies and Collections 4.2)

**6.3.6.2 Monitoring Wilderness Resources.** In every park containing wilderness, the conditions and long-term trends of wilderness resources will be monitored to identify the need for or effects of management actions. The purpose of this monitoring will be to ensure that management actions and visitor impacts on wilderness resources and character do not exceed standards and conditions established in an approved park plan.

As appropriate, wilderness monitoring programs may assess physical, biological and cultural resources, and social impacts. Monitoring programs may also need to assess potential problems

that may originate outside the wilderness, in order to determine the nature, magnitude, and probable source of those impacts.

**6.3.7 Natural Resources Management.** The National Park Service recognizes that wilderness is a composite resource with interrelated parts. Without spectacular natural resources, especially indigenous and endemic species, a wilderness experience might not be possible. Natural resources are critical, defining elements of the wilderness resource, but need to be managed within the context of the whole. Natural resource management plans will be integrated with and cross-reference wilderness management plans. Pursuing a series of independent component projects, such as single species management, in wilderness will not necessarily accomplish the over-arching goal of wilderness management. Natural resources management in wilderness will include and be guided by a coordinated program of scientific inventory, monitoring, and research.

The principle of non-degradation will be applied to wilderness management, and each wilderness area's condition will be measured and assessed against its own unimpaired standard. Natural processes will be allowed, in so far as possible, to shape and control wilderness ecosystems. Management should seek to sustain natural distribution, numbers, population composition, and interaction of indigenous species. Management intervention should only be undertaken to the extent necessary to correct past mistakes, the impacts of human use, and the influences originating outside of wilderness boundaries. Management actions, including restoration of extirpated native species, altered natural fire regimes, controlling invasive alien species, endangered species management, and the protection of air and water quality, should be attempted only when the knowledge and tools exist to accomplish clearly articulated goals.

**6.3.8 Cultural Resources.** Historic properties eligible for the National Register of Historic Places that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources, using management methods that are consistent with preservation of wilderness character and values. These laws include the antiquities Act of 1906 and the Historic Sites Act of 1935, as well as the subsequent historic preservation legislation, including the national Historic Preservation Act, the Archeological Resources Protection act, the Native American grave Protection and Repatriation Act, and the American Indian Religious Freedom Act. The Secretary's Standards for Archeology and Historic Preservation projects provide guidelines for protection and maintenance. Cemeteries or commemorative features, such as plaques or memorials, that have been included in wilderness may be retained (including approved access to these sites), but no new cemeteries or additions to existing cemeteries may be made unless specifically authorized by federal statute, existing reservations, or retained rights. Native American religious areas and other ethnographic and cultural resources will be inventoried and protected. Native Americans will be permitted access within wilderness for sacred or religious purposes consistent with the intent of the American Indian Religious Freedom Act and the Wilderness Act and related laws.

(See Identification and Evaluation of Resources 5.2, Stewardship 5.4)

**6.3.9 Fire Management.** Fire management activities conducted in wilderness areas will conform to the basic purposes of wilderness. The park's fire management and wilderness management plans must identify and reconcile the natural and historic roles of fire in the wilderness, and will provide a prescription for response, if any, to natural and human-caused wildfires. If a prescribed fire program is implemented, these plans will also include the prescriptions and procedures under which the program will be conducted within wilderness.

Actions taken to suppress wildfires will use the minimum requirement concept, and will be conducted in such a way as to protect natural and cultural features and to minimize the lasting impacts of the suppression actions and the fires themselves. Information on developing a fire management program in wilderness is contained in Director's Order # 18: Fire Management.

(See Fire Management 4.5)

**6.3.10 Management Facilities.** Part of the definition of wilderness as provided by the Wilderness Act is "undeveloped federal land retaining its primeval character and influence, without permanent improvements." Accordingly, authorizations of NPS administrative facilities located in wilderness will be limited to the types and minimum number essential to meet the minimum requirements for the administration of the wilderness area. A decision to construct, maintain, or remove an administrative facility will be based primarily on whether or not such a facility is required to preserve wilderness character or values, not on considerations of administrative convenience, economy of effect, or convenience to the public or park staff. Maintenance or removal of historic structures will additionally comply with cultural resource protection and preservation policies and directives, and the concept of minimal requirement management techniques for wilderness.

**6.3.10.1 Administrative Facilities.** Administrative facilities (e.g. ranger stations and/or patrol cabins, fire lookouts, radio and/or cellular telephone antennas, radio repeater sites, associated storage or support structures, drift fences, and facilities supporting trail stock operations) may be allowed in wilderness only if they are determined to be the minimum requirement necessary to carry out wilderness management objectives and are specifically addressed within the park's wilderness management plan or other supporting environmental compliance documents. New roads will not be built in wilderness. Temporary vehicular access may be permitted only to meet the minimum requirements of emergency situations, and will be restored, per an approved restoration plan, as rapidly as possible. Where abandoned roads have been included within wilderness, they may be used as trails, restored to natural conditions, or managed as a cultural resource.

No permanent heliports, helipads, or airstrips will be allowed in wilderness unless specifically authorized by statute or legislation. Temporary landing facilities may be used to meet the minimum requirements of emergency situations. Site improvements determined to be essential for safety reasons during individual emergency situations may be authorized, but no site markings or improvements of any kind may be installed to support non-emergency use.

**6.3.10.2 Trails in Wilderness.** Trails will be permitted within wilderness when they are determined to be necessary for resource protection and/or for providing for visitor use for the purposes of wilderness. The identification and inventory of the wilderness trail system will be included as an integral part of the wilderness management plan or other appropriate planning document. Trails will be maintained at levels and conditions identified within the approved wilderness management plan or planning document. Trail maintenance structures (e.g. waterbars, gabions, etc.) may be provided, under minimum requirement protocols, where they are essential for resource preservation, or where significant safety hazards exist during normal use periods. Historic trails will be administered in keeping with approved cultural resource plan requirements.

Borrow pits are not permitted in wilderness areas, with the exception of small quantity use of borrow material for trails which must be in accordance with an approved wilderness management plan.

**6.3.10.3 Campsites and Shelters.** The construction of new shelters for public use will generally not be allowed, in keeping with the values and character of wilderness. An existing shelter may be maintained or reconstructed only if the facility is necessary to achieve specific wilderness management objectives as identified in the park's wilderness and cultural resources management plans. The construction, use, and occupancy of cabins and other structures in wilderness areas in Alaska are governed by applicable provisions of ANILCA and by National Park Service regulations in 36 CFR 13, and may be permitted only under conditions prescribed in the park's wilderness management plan.

Although the development of facilities to serve visitors will generally be avoided, campsites may be designated when essential for resource protection and preservation or to meet other specific wilderness management objectives. In keeping with the terms of the park's wilderness management plan, campsite facilities may include a site marker, fire rings, tent sites, food-storage devices, and toilets if these are determined by the superintendent to be the minimum facilities necessary for the health and safety of wilderness users, or for the preservation of wilderness resources and values. Toilets will be placed only in locations where their presence and use will resolve health and sanitation problems or prevent serious resource impacts, especially where reducing or dispersing visitor use is impractical or has failed to alleviate the problems. Picnic tables will not be allowed in wilderness.

**6.3.10.4 Signs.** Signs detract from the wilderness character of an area and make the imprint of man and management more noticeable. Only those signs necessary for visitor safety or to protect wilderness resources, such as those identifying routes and distances, will be permitted. Where signs are used, they should be compatible with their surroundings and the minimum size possible.

**6.3.11 Wilderness Boundaries.** Policies related to wilderness boundaries include the following:

**6.3.11.1 Legal Descriptions and Boundary Maps.** Every park with designated wilderness will possess a written legal description of the wilderness area and a map (or maps) which illustrates the legal description of the wilderness. Each park will ensure that the legal description and map(s) are filed in the appropriate locations.

(See IV.B.3.d.1 and Reference Manual #41: Appendix G)

**6.3.11.2 Caves.** All cave passages located totally within the surface wilderness boundary will be managed as wilderness. Caves that have entrances within wilderness but contain passages that may extend outside the surface wilderness boundary will be managed as wilderness. Caves that may have multiple entrances located both within and exterior to the surface wilderness boundary will be managed in keeping with the surface boundary; those portions of the cave within the wilderness boundary will be managed as wilderness.

**6.3.11.3 Waters in Wilderness.** The NPS will manage all waters included within wilderness boundaries, and the lands beneath these waters (if owned by the United States) as wilderness, in keeping with established jurisdictions and authorities.

## **6.4 WILDERNESS USE MANAGEMENT**

The National Park Service will encourage and facilitate those uses of wilderness that are in keeping with the definitions and purposes of wilderness and do not degrade wilderness resources and character. Appropriate restrictions may be imposed on any authorized activity in the interest of preserving wilderness character and resources or to ensure public safety.

When resource impacts or demands for use exceed established thresholds or capacities, superintendents may limit or redirect use. Physical alterations, public education, general regulations, special regulations, permit systems, as well as local restrictions, public use limits, closures, and designations implemented under the discretionary authority of the superintendent (36 CFR Part 1.5 and 13; 43 CFR Part 36 for Alaska units), may all be used in managing use and protecting wilderness, if these actions are determined to be the minimally required level of management.

**6.4.1 General Policy.** Park visitors need to accept wilderness on its own unique terms. Accordingly, the National Park Service will promote education programs that encourage wilderness users to understand and be aware of certain risks, including possible dangers arising from wildlife, weather conditions, physical features, and other natural phenomena that are inherent in the various conditions that comprise a wilderness experience and primitive methods of travel. The National Park Service will not modify the wilderness area to eliminate risks that are normally associated with wilderness, but it will strive to provide users with general information concerning possible risks, any recommended precautions, related user responsibilities, and applicable restrictions and regulations, including those associated with ethnographic and cultural resources.

**6.4.2 Wilderness Interpretation and Education.** In the context of interpretive and educational planning, national park units with wilderness resources will: operate public education programs designed to promote and perpetuate public awareness of, and appreciation for, wilderness character, resources and ethics, while providing for acceptable use limits; focus on fostering an understanding of the concept of wilderness that includes respect for the resource, willingness to exercise self-restraint in demanding access to it, and an ability to adhere to appropriate, minimum-impact techniques; and encourage the public to use and accept wilderness on its own terms; i.e., the acceptance of an undeveloped, primitive environment and the assumption of the potential risks and responsibilities involved in using and enjoying wilderness areas. National Park Service interpretive plans and programs for wilderness parks will address the primary interpretive themes for wilderness (Reference Manual 41: Appendix I). Education is among the most effective tools for dealing with wilderness use management problems and should generally be applied before more restrictive management tools.

**6.4.3 Recreation Use Management in Wilderness.** Recreational uses of National Park Service wilderness are generally those traditionally associated with wilderness and identified by Congress in the legislative record for the development of the Wilderness Act and in keeping with the language provided by Sections 2(a) and 2(c) of the Act itself. These recreational uses of wilderness will be of a type and nature that ensure its use and enjoyment will leave it unimpaired for future use and enjoyment as wilderness, provide for the protection of the area as wilderness, and provide for the preservation of the wilderness character.

Recreational uses in National Park Service wilderness areas will be of a nature that enable the areas to retain their primeval character and influence; protect and preserve natural conditions; leave the imprint of man's work substantially unnoticeable; provide outstanding opportunities for solitude or primitive and unconfined types of recreation; and preserve wilderness in an unimpaired condition.

**6.4.3.1 Recreation Use Evaluation.** Recreational uses, particularly new and emerging activities, that compromise the stated purposes and definitions of wilderness or unduly impact the wilderness resource or the visitor experience within wilderness, will be evaluated to determine if these uses are appropriate, or should be limited or disallowed through use of the superintendents compendium in 36 CFR 1.5. Evaluation or re-evaluation should be accomplished within wilderness management plans or similar implementation plans. Recreational uses which do not meet the purposes and definitions of wilderness should be prohibited in NPS wilderness.

Significant changes in patterns or increased levels of use will not be authorized by special permit, administrative discretion, or authorities under a superintendents compendia, except in cases where sufficient information exists to adequately determine there is no significant impact on wilderness resources and values, including visitor experiences. These increased levels of use and changes in patterns of existing use will normally not qualify for a categorical exclusion under NEPA. Decisions regarding significant changes in patterns and new levels of use will

require environmental analysis and review, including opportunity for public comment, in accordance with the requirements of NEPA.

**6.4.3.2 Leave No Trace.** "Leave-No-Trace" principles and practices will be applied to all forms of recreation management within wilderness, including commercial operations. Wilderness users will generally be required to carry out all refuse. Refuse is defined in 36 CFR 1.4. (See Reference Manual 41: Appendix J).

**6.4.3.3 Use of Motorized Equipment.** Public use of motorized equipment or any form of mechanical transport will be prohibited in wilderness except as provided for in specific wilderness legislation. Operating a motor vehicle or possessing a bicycle in designated wilderness outside Alaska is prohibited (see NPS regulations in 36 CFR 4.30(d)(1)). However, Section 4(d)(1) of the Wilderness Act authorizes the Secretary, where legislation designating the wilderness specifically makes this provision applicable, to allow the continuation of motorboat and aircraft use under certain circumstances in which those activities were established prior to wilderness designation. Section 4(d)(1) gives the Secretary the discretion to manage and regulate the activity in accordance with the Wilderness Act, the NPS Organic Act, and individual park enabling legislation. As authorized, the National Park Service will administer this use to be compatible with the purpose, character, and resource values of the particular wilderness area involved. The use of motorized equipment by the public in wilderness areas in Alaska is governed by applicable provisions of ANILCA and NPS regulations in 36 CFR 13 and 43 CFR 36. The specific conditions under which motorized equipment may be used by the public will be outlined in each park's wilderness management plan.

**6.4.4. Commercial Services.** Wilderness oriented commercial services that contribute to public education and visitor enjoyment of wilderness values or provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the "necessary and appropriate" tests of the National Park Service Concessions Management Act of 1998 (P.L. 105-391), Section 4(d)(6) of the Wilderness Act, and if they are consistent with the wilderness management objectives contained in the park's wilderness management plan. Activities such as guide services for outfitted horseback, hiking, mountain climbing, or river trips and similar activities may be appropriate and may be authorized if conducted under terms and conditions outlined in the park's wilderness management plan and/or in legislation authorizing these types of commercial use.

The only structures or facilities used by commercial services that will be allowed in wilderness will be temporary shelters, such as tents, or other specifically approved facilities that may be required (within the wilderness management plan) for resource protection and the preservation of wilderness values. Temporary facilities will generally be removed from the wilderness after each trip unless such removal will cause additional degradation of the wilderness resources. The use of permanent equipment and supply caches by commercial operators is prohibited within wilderness. Managers will ensure that commercial operators are in compliance with established "Leave-No-Trace" protocols.

(See Commercial Services 10.1; also see Reference Manual 48)

**6.4.5. Special Events.** The National Park Service will not sponsor or issue permits for special events to be conducted in wilderness if those events are inconsistent with wilderness resources and character, or do not require a wilderness setting to occur.

Permits will not be issued for special events that are commercial enterprises, or for competitive events, activities involving animal, foot or watercraft races, physical endurance of a person or animal, organized survival exercises, war games, or similar exercises in National Park Service wilderness areas.

**6.4.6. Grazing and Livestock Driveways.** Commercial grazing or driving of livestock in park wilderness will be allowed only as specifically authorized by Congress. Where these activities are authorized, they will be managed under conditions and requirements identified within the approved wilderness management plan and corresponding allotment management plans. The use of motorized vehicles, motorized equipment, or mechanical transport by grazing permittees will not be allowed except as provided for by a specific authority. The construction of livestock management facilities other than those specifically authorized by legislation is prohibited.

Noncommercial grazing of trail stock used as part of an approved livestock management program within wilderness may be authorized in accordance with National Park Service regulations and conditions outlined in the wilderness management plan or stock use management plan. All approved livestock use must ensure preservation of wilderness resources and character. Superintendents will be responsible for monitoring livestock use in wilderness to the same degree as human use, and may use the same management tools and techniques, including the application of the minimum requirement concept to manage livestock use that are available for managing other wilderness uses.

**6.4.7. Rights-of-Way.** Existing rights-of-way that have been included in wilderness should be terminated or phased out where practicable. Rights-of-way subject to National Park Service administrative control should be administered under conditions outlined in the park's wilderness management plan which protect wilderness character and resources and limit the use of motorized or mechanical equipment. The National Park Service will not issue any new rights-of-way or widen or extend any existing rights-of-way in wilderness.

Rights-of-way and access procedures affecting wilderness areas in Alaska are governed by applicable provisions of ANILCA and regulations in 43 CFR 36 and 36 CFR 13.

**6.4.8. Mineral Development.** The National Park Service will seek to remove or extinguish valid mining claims and non-federal mineral interests in wilderness through authorized processes including purchasing valid rights. In parks where Congress has authorized the leasing of federal minerals, the National Park Service will take appropriate actions to

preclude the leasing of lands or minerals within wilderness when, and wherever, it is authorized to do so. Lands included within wilderness will be listed as "excepted areas" under applicable regulations in 43 CFR 3100, 3500, and 3500.8.

Unless and until mineral interests and mining claims within National Park Service wilderness are eliminated, they must be managed pursuant to existing National Park Service regulations, policies, and procedures. A validity exam of unpatented claims in wilderness affected by a proposed plan of operations must be conducted by a Certified Mineral Examiner prior to plan approval. Motorized use in wilderness is allowed only with an approved plan of operations on valid claims and where there is no reasonable alternative. Motorized use for access can occur only on existing roads; there will be no new roads or improvement of existing roads unless necessary for resource protection or human safety. Any plan of operations that is approved will include stipulations on operations and reclamation that will ensure that long-term effects on the wilderness area are substantially unnoticeable.

**6.4.9. Existing Private Rights.** Wilderness designation does not extinguish existing private rights (e.g., fee-simple interest, less-than fee simple interest, valid mineral operations, rights-of-way

**6.4.10. Accessibility for Persons with Disabilities.** The National Park Service has legal obligations to make available equal opportunities for people with disabilities in all programs and activities. This requirement includes the opportunity to participate in wilderness experiences. Management decisions responding to requests for special consideration to provide wilderness use by persons with disabilities must be in accord with the Architectural Barriers Act of 1968, The Rehabilitation Act of 1973 (as amended in 1978), and Section 507(c) of the Americans with Disabilities Act of 1990. Such decisions should balance the intent of access and wilderness laws and find a way of providing the highest level of protection to the wilderness resource.

Section 17.550 of the Secretary of the Interior's regulations regarding "Enforcement of Nondiscrimination on the Basis of Disability in Department of Interior Programs" (43 CFR Part 17) states that agencies are not required to take any actions nor provide access that would result in a fundamental alteration in the nature of a program or activity. However, the agency has the burden of proving that compliance would result in a fundamental alteration. This concept is also found in Section 507 of the Americans with Disabilities Act.

(See IV.C.9 and Reference Manual #41: Appendix E)

## IV. DIRECTOR'S ORDER #41: WILDERNESS PRESERVATION AND MANAGEMENT

Approved: /s/ Robert Stanton  
Robert Stanton, Director

Effective Date: August 2, 1999

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### A. INTRODUCTION

The purpose of **Director's Order #41** is to provide accountability, consistency, and continuity to the National Park Service's wilderness management program, and to otherwise guide Servicewide efforts in meeting the letter and spirit of the 1964 Wilderness Act. This Director's Order will clarify, where necessary, specific provisions of National Park Service Management Policies; and will establish specific instructions and requirements concerning the management of all National Park Service wilderness areas.

Director's Order #41 should be applied to management actions carried out within the framework of a park's general management plan, the Government Performance and Results Act, a park's natural and cultural resources plans, and the park's wilderness management plan.

It is important to note that policies may in some instances be superseded by statutory provisions that apply to individual wilderness areas, by rights reserved by former landowners and, in Alaska, by applicable provisions of the Alaska National Interest Lands Conservation Act (ANILCA).

## **B. INSTRUCTIONS AND REQUIREMENTS**

In keeping with the principles of management accountability, the National Park Service will apply the following requirements to its wilderness preservation activities. For the purpose of applying these requirements, the term "wilderness" includes the categories of "suitable," "study areas," "proposed," "recommended," and "designated."

**1. Reference Manual.** The July 1999 edition of Reference Manual #41: Wilderness Preservation and Management is hereby approved for release as a supplement to this Director's Order. The Associate Director for Park Operations and Education is authorized and required to maintain and update the manual to provide comprehensive guidance on wilderness preservation and management. The reference manual will include applicable policies and Director's Orders; an assessment of the critical issues in wilderness preservation and management, with instructions on how these issues will be managed; minimum content requirements for wilderness management plans; and other information that will help field managers and staff meet their responsibilities.

**2. National Wilderness Steering Committee.** The Associate Director for Park Operations and Education may establish a National Wilderness Steering Committee to promote consistency and improvement in National Park Service wilderness stewardship, and to initiate interagency wilderness coordination. The Committee will provide the Directorate with recommendations and advice to establish accountability, consistency, and continuity within the Service's wilderness management program and will function until such time as the Directorate determines that it is no longer needed.

**3. Management Responsibility and Accountability.** Park managers will ensure that wilderness resources are afforded maximum protection through implementation of the following actions addressing the NPS wilderness accountability and responsibilities defined in Chapter 6 Wilderness Preservation and Management policies. (Reference Manual #41: Appendix C provides a checklist for these items)

### **a. Complete Wilderness Identification and Designation Process.**

- (i) Wilderness Suitability Assessments. A wilderness suitability assessment

must be completed for all lands to determine suitability for inclusion within the National Wilderness Preservation System no later than one year after NPS acquisition.

(ii) Wilderness Studies. Formal studies of lands identified as suitable for wilderness must be completed within five years of the wilderness suitability assessment. (See also 36 CFR Subpart A Part 19)

(iii) Wilderness Proposal/Recommendation: Wilderness designation proposals will be forwarded to the Director immediately upon completion of the formal Wilderness Study for review and approval. The Director will, in a timely manner, forward the Wilderness Proposal and a recommendation to the Assistant Secretary and Secretary of the Interior for approval. Managers will track and know the status of their wilderness designation proposals.

(iv) Wilderness Designation Process: After the Secretary has forwarded the Recommendation to the President, and the President has transmitted the Recommendation to Congress, the National Park Service will track the status of the Recommendation as it progresses in the designation process.

#### **b. Complete Wilderness Management Planning**

(i) Wilderness Management Plan. Park superintendents with wilderness resources will prepare and implement a wilderness management plan or equivalent integrated into an appropriate planning document (see Reference Manual #41: Appendix D). An environmental compliance document, in keeping with NEPA requirements, which provides the public with the opportunity to review and comment on the park's wilderness management program, will accompany the plan.

(ii) Wilderness Management Plan Coordination. The goals and objectives of the wilderness management plan will be effectively coordinated with other park management documents (e.g. General Management Plan, Strategic Plan, Annual Performance Plan, and other operational plans such as the Fire Management Plan, and Natural and Cultural Resources Management Plan).

**c. Establish Wilderness Management Accountability.** Wilderness management accountability will be established through completion of the following:

(i) Critical Results for Wilderness Stewardship. Regional Directors will include a statement on wilderness management in the "Critical Results" element of the Employee Performance Plan and Results Report (Form DI-2002) for the superintendent of each area containing wilderness resources. Documentation of

these critical results will clearly identify and ensure appropriate focus on their wilderness management responsibilities.

(ii) Wilderness Responsibilities in Position Descriptions. All positions having significant wilderness responsibilities will be supported by position descriptions that describe these responsibilities.

(iii) Wilderness Integrated Into KSA's. Wilderness will be effectively integrated into the Knowledge, Skills, and Abilities requirements for all vacancy announcements for positions having significant wilderness responsibilities.

(iv) Wilderness Training for Key Staff. Each key person responsible for the management and protection of wilderness resources will receive the wilderness training necessary to ensure awareness, knowledge of, and accountability for, their specific wilderness responsibilities.

(v) Wilderness Referenced in GPRA Strategic Plan. Wilderness stewardship responsibilities will be referenced in the park's strategic plan developed pursuant to the Government Performance and Results Act.

(vi) Annual Report To Congress. Parks with wilderness resources will provide the Associate Director for Park Operations and Education with the information necessary to prepare the annual Report to Congress required by Section 7 of the Wilderness Act.

**d. Administer and Protect the Wilderness Resource.** Stewardship responsibilities for wilderness will be completed through the following:

(i) Responsible Persons and/or Organizations. Key park staff who have direct responsibility for the development, coordination, implementation, and accountability for the park's wilderness management program will be designated and identified. The responsible individual/organization may be the line officer, interdivisional committee, wilderness coordinator/manager, or other.

(ii) Minimum Requirement Process. A process to determine the "minimum requirement" for administrative actions, proposed special uses, scientific activities, and equipment use in wilderness will be identified and established. It must specify how the process is to be implemented in the park and that a record of the decisions generated through this process must be kept for public inspection.

(iii) Wilderness Management Plan Implementation: Progress will be made annually in implementing approved actions and activities in the wilderness management plan.

(iv) Suitable, Study Area, Proposed, and Recommended Wilderness Preservation. Lands identified as being suitable for wilderness designation, wilderness study areas, proposed wilderness, and recommended wilderness (including potential wilderness) will be managed to preserve their wilderness character and values undiminished until Congress acts on the recommendations. Decisions will be made in the expectation of eventual wilderness designation.

(v) Legal Description and Boundary Map Completion. Every park with designated wilderness must possess a written legal description of the wilderness area and a map (or maps) that depict that legal description. Parks that have not yet done so, will complete a wilderness legal description and map(s) no later than eighteen months from the date of issuance of this Director's Order. All parks containing wilderness will ensure that the legal description and map are filed in the appropriate NPS offices and submitted to Congress, if required by law. (Reference Manual #41: Appendix G provides detailed instruction for completing legal descriptions and boundary maps).

(vi) Designated Potential Wilderness Management. Potential wilderness will be managed as wilderness to the extent that existing nonconforming uses will allow; temporary (non-conforming) uses will be eliminated as soon as practicable in keeping with National Park Service authorities and budgets. All parks containing potential wilderness designated by Congress will inventory that potential wilderness within two years of the issuance of this Director's Order, and every five years thereafter. When non-conforming uses have ceased within the potential wilderness, each park will take the steps necessary for the Secretary to publish in the Federal Register the notice that the potential wilderness is now designated wilderness. (Reference Manual #41: Appendix H addresses conversion of potential wilderness to designated wilderness).

(vii) Recreation Impact Evaluation. The appropriateness of recreation activities in wilderness, and recreation impacts, will be evaluated when changes in the nature and significance of the activities affect their compatibility with wilderness preservation and the statutory purposes of wilderness. The assessment of new or increased activities will be addressed through appropriate environmental compliance documentation as identified in DO#12.

(viii) Wilderness in Comprehensive Interpretive Plan. The Comprehensive Interpretive Plan for parks with wilderness resources will address the primary interpretive themes for wilderness education and reflect the wilderness significance statements as they appear in the park's GPRA Plan (See Reference Manual #41: Appendix I)

(ix) Geographic Naming in Wilderness. In order to maintain the untrammelled character of wilderness, the naming of additional geographic features is

discouraged. The National Park Service will not propose to the U.S. Board of Geographic Names, nor support proposals by others, to apply new names to geographic features within any category of wilderness. An exception to this policy may be considered on a case-by-case basis when a proposed name: (a) serves a useful educational or interpretive purpose; or (b) is linked to an historical figure, activity, incident, or resources having a direct association with the geographic feature; and (c) meets all other National Park Service and Board on Geographic Names policies applicable to geographic naming.

## **C. WILDERNESS MANAGEMENT ISSUES**

The following guidance is provided for dealing with major wilderness management issues confronting the National Park Service:

### **1. Wilderness Management Plan Requirements**

*The superintendent of each park containing wilderness will develop and maintain a wilderness management plan (or plan for the management of suitable, proposed/ recommended wilderness area) to guide the preservation, management, and use of that area.*

*The plan will be developed with public involvement, and will contain specific, measurable management objectives that address the preservation and interpretation of wilderness-dependent cultural and natural resource values.*

#### *NPS Management Policies: 6.3.5 Wilderness Management Plan*

*For the purposes of applying NPS wilderness policies, the term 'wilderness' includes the categories of suitable, study, proposed, recommended and designated wilderness. NPS wilderness policies apply regardless of category. Potential wilderness may be a subset of any of these five categories...In addition to managing these classified areas for the preservation of their wilderness values, planning for these areas must ensure that the wilderness character is likewise preserved.*

#### *NPS Management Policies: 6.3.1 General Policy*

The minimum content requirements for a wilderness management plan are as follows:

A wilderness management plan will be completed every ten years by all parks containing wilderness resources for the purpose of providing accountability, consistency, and continuity to the National Park Service's wilderness management program. The requirement to have a current wilderness management plan (or similar plan) applies to all areas containing suitable, study, proposed, recommended, and designated wilderness.

The wilderness management plan will: 1) clearly identify the boundaries of wilderness units of the park; 2) identify individuals and/or organizations within the park administration responsible for wilderness preservation; 3) establish an administrative process to determine "minimum requirement" for actions in wilderness; and 4) establish specific management actions to be applied to guide public use and preservation of wilderness resources, including the establishment of desired future conditions.

An environmental compliance document that provides the public with the opportunity to review and comment on the park's wilderness management program will accompany all wilderness management plans, consistent with the requirements of NEPA and appropriate National Park Service policy guidance. Because of the unique nature of wilderness resources and possible public controversy over use allocations and their effects, in some instances a full environmental impact statement will be required.

Wilderness management plans must be coordinated and integrated with other park planning documents (General Management Plan, the park's Strategic Plan/Annual Performance Plan, Facility Management Plans, Fire Management Plan, etc.) to ensure consistency across park management programs. All park disciplines should participate in the planning process.

While parks may exercise considerable flexibility as to the organizational and physical format of the wilderness management plan (i.e., plans may be developed as separate documents or integrated into General Management Plans, Backcountry Management Plans, or Resource Management Plans), the plan must contain at least the topics identified in the "Wilderness Management Plan-Recommended Content" included in Reference Manual #41: Appendix D.

## **2. Application of the Minimum Requirement Concept**

*...except as necessary to meet the minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area) there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.*

*The Wilderness Act: Section 4 (c)*

*All management decisions affecting wilderness must be consistent with a minimum requirement concept.... When determining minimum requirement, the potential disruption of wilderness character and resources will be considered before, and given significantly more weight than, economic efficiency and convenience. If a compromise of wilderness resource or character is unavoidable, only those actions that preserve wilderness character and/or have localized, short-term adverse impacts will be acceptable.*

*NPS Management Policies: 6.3.5 Minimum Requirement*

The National Park Service will apply the minimum requirement concept to all administrative activities that affect the wilderness resource and character. The application of the minimum requirement concept is intended to minimize impacts on wilderness character and resources and must guide all management actions in wilderness.

Wilderness managers may authorize (using a documented process) the generally prohibited activities or uses listed in Section 4(c) of the Wilderness Act if they are deemed necessary to meet the minimum requirements for the administration of the area as wilderness and where those methods are determined to be the 'minimum tool' for the project. The use of motorized equipment and the establishment of management facilities are specifically prohibited when other reasonable alternatives are available. The minimum requirement process cannot be used to permit roads or inappropriate commercial enterprises within wilderness unless these are authorized by specific legislation.

The minimum requirement concept is to be applied as a two-step process that documents:

- (1) A determination as to whether or not a proposed management action is appropriate or necessary for the administration of the areas as wilderness, and does not pose a significant impact to the wilderness resources and character; and,
- (2) If the project is appropriate or necessary in wilderness, the selection of the management method (tool) that causes the least amount of impact to the physical resources and experiential qualities (character) of wilderness.

It is important to understand the distinctions between the terms "Minimum Requirement," and "Minimum Tool."

Minimum Requirement is a documented process the NPS will use for the determination of the appropriateness of all actions affecting wilderness.

Minimum Tool means a use or activity, determined to be necessary to accomplish an essential task, which makes use of the least intrusive tool, equipment, device, force, regulation, or practice that will achieve the wilderness management objective. This is not necessarily the same as the term "primitive tool," which refers to the actual equipment or methods that make use of the simplest available technology (i.e., hand tools).

Park managers will apply the minimum requirement concept when making all decisions concerning management of the wilderness area. This includes decisions concerning administrative practices, historic properties, proposed special uses, research, and equipment use in wilderness.

Planned administrative actions that may result in an exception to a prohibited use (i.e., chainsaws, aircraft use, radio repeater sites, rock drills, patrol structures, weather stations) or

have the potential to impact wilderness resources and values must be consistent with an approved wilderness management plan and be documented in accordance with the park's minimum requirements process. The minimum requirements process will be conducted through appropriate environmental analysis (e.g., categorical exclusions, environmental assessment/FONSI, or an environmental impact statement/Record of Decision).

When determining the minimum requirement for a proposed action, the manager will strive to minimize the extent of adverse impact associated with accomplishing the necessary wilderness objective. The determination as to whether or not an action has an adverse impact on wilderness must consider both the physical resources within wilderness, and wilderness characteristics and values. These characteristics and values include: the wilderness's primeval character and influence; the preservation of natural conditions (including the lack of man-made noises); cultural resource values, the assurance of outstanding opportunities for solitude; the assurance that the public will be provided with a primitive and unconfined type of recreational experience; and the assurance that wilderness will be preserved and used in an unimpaired condition.

Managers must give appropriate consideration to the aesthetic values of wilderness as well as the physical resource. These factors take precedence over cost or convenience in determining minimum requirement.

National parks with wilderness must have a documented process for applying the minimum requirement concept. Reference Manual #41: Appendix F includes examples of "decision trees," which may be adopted or referred to as a procedure by which alternatives can be assessed and final management decisions developed. These decision tree examples do not alleviate a park's responsibility for providing adequate environmental compliance documentation for individual projects.

### **3. Interagency Coordination**

*For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas....*

*The Wilderness Act: Sec. 2(a)*

*Interagency cooperation and coordination and training responsibilities will also be carried out at the Washington, region, and park levels.*

#### *NPS Management Policies : 6.3.2 Responsibility*

Interagency cooperation and coordination are required to minimize administrative differences and visitor confusion and to ensure that wilderness resources receive maximum protection. It will be the responsibility of the park manager to ensure that wilderness management within the park unit is coordinated with the management of the surrounding federal, state, and local land

managers; federally recognized Native American tribes; and with other public and private organizations, as appropriate.

In areas where the National Park Service wilderness adjoins wilderness administered by another land management agency, the superintendent is responsible for coordinating with adjacent wilderness units to achieve as much consistency as possible in the application of wilderness regulations and management techniques. Coordination can include, but is not limited to, programs and policy concerning the issuance of permits, saddle and pack stock, group and party size, research projects, limits on campfires and pets, and other resource and visitor management issues. While the goal is to mitigate problems resulting from the differing missions of the agencies, the National Park Service will not adopt any practice that weakens or compromises the preservation of wilderness within the parks. Where appropriate, National Park Service wilderness education programs will explain the reasons for differences among neighboring agencies managing wilderness.

#### **4. Cultural Resource Management in Wilderness**

*Each Federal agency shall establish, in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic places, and protection of historic properties.*

*National Historic Preservation Act*

*...the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park,...in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area including...the Act of June 8, 1906 ["Antiquities Act"]... and the Act of August 21, 1935 ["Preservation of Historic Sites Act"]...*

*The Wilderness Act: Section 4(a)(3)*

*Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.*

*The Wilderness Act: Section 4(b)*

Wilderness contains scientific, educational, and historical properties that are also cultural resources. There has been extensive prior human use in most areas now designated as wilderness, resulting in archeological sites, historic structures, cultural landscapes and associated features, objects, and traditional cultural properties that are contributing elements to wilderness. It is important to recognize that laws, such as the National Historic Preservation Act (NHPA), Archeological Resources Protection Act (ARPA), American Indian Religious Freedom Act (AIRFA) and the Native American Graves Protection and Repatriation Act

(NAGPRA), as well as others, intended to preserve our cultural heritage, are applicable in wilderness.

National Park Service managers are responsible for maintaining an affirmative cultural resource management program in wilderness. The cultural resource management tasks within wilderness are the same as those elsewhere, but these sites must additionally be treated in a manner that preserves other wilderness resources and character. Measures to protect and inventory cultural resources in wilderness must comply with the Wilderness Act provisions on access and use of the minimum requirement concept.

Cultural resource specialists shall fully participate in the development of a park's wilderness management plan. In keeping with the full range of options identified in the Secretary's Standards, management actions affecting cultural resources in wilderness may include a variety of management options including preservation of a site or property, protection from vandalism, professional level documentation, and may include removal. However, actions involving all cultural resource types in wilderness must comply with cultural resource laws, such as compliance actions and inventory requirements mandated by the NHPA. Pertinent management actions must be made in consultation with the public interested in the historic preservation issue(s), including, but not limited to Native American tribes, State Historic Preservation Officers and, if necessary, the Advisory Council on Historic Preservation.

Wilderness, for some Native American groups, is a place of profound tribal history, traditional use, or a homeland. Ancestral human remains are protected in wilderness through NAGPRA, standing Executive orders, and the Presidential Memorandum concerning "Government to Government Relationships." These underscore strongly held tribal relationships to places in wilderness. Within wilderness, a number of Native American tribes continue religious ceremonies and other practices as provided for in the American Indian Religious Freedom Act.

Managers must develop long-term, constructive relationships with traditionally associated tribes to assist in culturally sensitive wilderness management. Wilderness areas may also be areas where treaty responsibilities and provisions apply.

## **5. Fire Management in Wilderness**

*(d) The following special provisions are hereby made...In addition, such measures may be taken as may be necessary in the control of fire...subject to such conditions as the Secretary deems desirable.*

*The Wilderness Act: Section 4(d)*

*Fire management activities conducted in wilderness areas will conform to the basic purposes of wilderness. The park's Fire Management and wilderness management plans together will identify the natural and historic roles of fire in the wilderness and will provide a prescription for response, if any, to natural and human-caused wildfires. If a prescribed fire program is*

*implemented, these plans will also include the prescriptions and procedures under which the program will be conducted within wilderness.*

*Actions taken to suppress wildfire will use the minimum requirement concept and will be conducted in such a way as to protect natural and cultural features and to minimize the lasting impacts of the suppression actions and the fires themselves.*

#### *NPS Management Policies: 6.3.9 Fire Management*

Under ideal conditions, natural fire should be considered as a fundamental component of the wilderness environment. Director's Order # 18: Wildland Fire Management, directs that all fires burning within wilderness will be classified as a "wildland fire" or a "prescribed fire." Wildland fires are those that result from unplanned ignitions. Prescribed fires are those resulting from planned ignitions. All wildland fires within wilderness will be managed to include the application of minimum requirement suppression techniques, the consideration of firefighter and public safety, a cost/benefit analysis, sensitive natural and cultural resources, and will use the strategic and tactical options described in an approved fire management plan.

Fire management plans must address the effects of fire management decisions on wilderness resources and character, air quality, smoke management, water quality, and other pertinent natural and cultural resource management objectives.

Until a fire management plan is approved, all wildland fires in wilderness must be suppressed, with strong emphasis on the concept of minimum requirement in determining suppression methodologies.

Parks containing wilderness will integrate wilderness considerations in the systematic decision-making process, determining the most appropriate management strategies for all planned ignitions (prescribed fires), and for any unplanned fires that no longer meet resource management objectives. While parks lacking an approved fire management plan may not use resource benefits as a primary consideration influencing selection of a wildfire suppression strategy, the resource impacts of suppression alternatives on wilderness values must be considered when decisions are made.

Wilderness values must be adequately represented during all fire planning processes, and wilderness managers will assist in the selection and implementation of appropriate responses to wilderness fires. Resource advisors must be knowledgeable about wilderness values, objectives, and policies.

Any delegation of authority to Incident Management Teams will include appropriate emphasis on the protection of wilderness resources. The methods used to suppress all wildland fires should be those that minimize the impacts of the suppression action and the fire itself, commensurate with effective control and the preservation of wilderness values. Fire suppression teams should be trained in the concepts of wilderness management, the

preservation of wilderness values, and wilderness fire management. This requirement should be identified in appropriate delegation orders.

## **6. Wilderness Interpretation and Education**

*In the context of park interpretive and educational planning, national parks with wilderness resources will operate public education programs designed to promote and perpetuate public awareness of, and appreciation for, wilderness character, resources and ethics....*

### *NPS Management Policies: 6.4.8 Wilderness Interpretation and Education*

The Comprehensive Interpretive Plan for parks with wilderness will include and address the primary park interpretive themes that reflect the wilderness significance statements that appear in the park's GPRA Plan (See Reference Manual 41: Appendix I). Wilderness character and resources should be included in the park's interpretation and educational program, and be included as an integral component of the long range interpretive plan and annual implementation plan. Other key issues to be presented include wilderness safety and Leave No Trace ethics.

Public interpretation and education is essential for the support, understanding, and protection of wilderness. On-site programs may include talks, walks and other presentations, trailhead information, publications, and wilderness information centers or exhibits in existing visitor centers. Off-site and outreach programs may include a variety of presentations, curriculum-based education programs, web page sites, and publications.

Guided interpretive walks in wilderness will be conducted in accordance with day use limits prescribed in the park's Wilderness Management Plan. The walks will be conducted with sensitivity toward the experience of other wilderness users, and with minimal impact to the wilderness character and resource.

Staff education is an integral part of any wilderness education program. Wilderness awareness training will be incorporated into to all appropriate training programs. Examples include orientation training for seasonal park staff, cooperating associations, concessions, and volunteers. Park managers are encouraged to establish partnerships to better promote the benefits and values of wilderness.

## **7. Mineral Development in Wilderness**

*Except as specifically provided for in this chapter, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this chapter ....*

*The Wilderness Act: Sec. 4(c)*

*The NPS will seek to remove or extinguish valid mining claims and non-federal mineral interests in wilderness through authorized processes including purchasing valid rights. In parks where Congress has authorized the leasing of federal minerals, the Park Service will take appropriate actions to preclude the leasing of lands or minerals within wilderness....*

#### *NPS Management Policies: 6.4.6 Mineral Development*

Valid mineral interests and mining claims in wilderness will be managed pursuant to existing NPS regulations, policies, and procedures unless and until eliminated by acquisition, relinquishment, exchange or other methods. Regulations at 36 CFR Part 9A govern the development of mining claims located under the 1872 Mining Law. Regulations at 36 CFR Part 9B govern nonfederal oil and gas development. All other mineral development in parks, including wilderness, must be authorized under applicable regulations at 36 CFR Parts 1.6 and 2 through 5. Access in Alaska is additionally regulated by 43 CFR Part 36. More detailed information on managing minerals in wilderness can be found in other NPS guidance documents, including the "NPS Procedures Governing Mining Claims," the "NPS Procedures Governing Non-federal Oil and Gas Rights," and Natural Resources Reference Manual #77.

Validity exams: Under current NPS policy, validity exams must include the costs of complying with all applicable NPS regulations (NPS Procedures Governing Mining Claims, p. 35). In wilderness areas, validity exams should include the costs of environmental mitigation necessary to preserve the wilderness character, including possible restrictions on access or operations or additional costs of reclamation. Determination of the necessary mitigation measures may require that the environmental compliance process be conducted concurrently with the validity exam.

Motorized access: Stipulations on access may include non-motorized means, restrictions on the time and location of the access, restrictions on traffic volume and size, or other reasonable measures to minimize both short-term and long-term effects on wilderness resources and character.

Plan of operations: Stipulations on approved operations to ensure that short-term and long-term effects on the wilderness area are substantially unnoticeable may include, but are not limited to, sound barriers, camouflage, camping platforms, reducing operations to certain times of the day or year, limiting night lighting, hauling out all greywater or other wastes, and restoration of natural conditions and processes.

Abandoned mine lands: Sites will be evaluated for closure or restoration using the minimum requirement analysis, which includes consideration of public safety and other pertinent laws and regulations and restoration of wilderness values.

## 8. Scientific Activities in Wilderness

*A wilderness...may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.*

*The Wilderness Act: Sec. 2(c)(4)*

*Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.*

*The Wilderness Act: Sec. 4(b)*

*The statutory purposes of wilderness include scientific activities, and these activities are permitted when consistent with the agency's responsibilities to preserve and manage wilderness. The National Park Service has a responsibility to support appropriate scientific activities in wilderness, and to use science to improve wilderness management. The National Park Service recognizes that wilderness can and should serve as an important resource for long-term research, study, and observation of ecological processes and the impact of humans on these ecosystems. The National Park Service further recognizes that appropriate scientific activities may be critical to the long-term preservation of wilderness. Accordingly, scientific activities are to be encouraged in wilderness, provided that the benefits of what can be learned outweigh any negative impacts on the wilderness resource or values.*

### *NPS Management Policies: 6.3.6 Scientific Activities*

The Wilderness Act intended, and NPS policy provides for, the conduct of legitimate natural and cultural scientific use of wilderness areas. The scientific value of wilderness derives from its undisturbed conditions. Because undisturbed natural areas are increasingly rare, wilderness areas often provide unique opportunities for scientific investigation. Scientific activities are to be encouraged in wilderness, provided that the benefits of what may be learned outweigh the negative impacts on other wilderness values.

The National Park Service recognizes and supports the value of wilderness areas as natural outdoor laboratories of both local and national significance. Research that aids or supports wilderness stewardship or administration and purposes of the wilderness area or park is to be encouraged--within the bounds of other applicable National Park Service policy and regulations, including the application of the minimum requirement concept.

The increase of scientific knowledge, even if it serves no immediate wilderness management purpose, may be an appropriate wilderness research objective when it does not compromise wilderness resources and character. However, research and other science projects in wilderness must meet accepted protocols and standards, including those related to safety.

It is important for scientists to understand that the conduct of their research should be in accord with wilderness preservation principles. Applications for research and other scientific work in

National Park Service wilderness should demonstrate a positive benefit to wilderness or wilderness purposes and must include a minimum requirements analysis of the project's methodologies.

## **9. Wilderness Use By Persons With Disabilities**

*(1) In General -- Congress reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires use of a wheelchair, and consistent with the Wilderness Act, no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a wilderness area to facilitate such use.*

*(2) Definition -- For the purposes of paragraph (1), the term wheelchair means a device designed solely for the use by a mobility-impaired person for locomotion that is suitable for use in an indoor pedestrian area.*

*Americans with Disabilities Act of 1990 (ADA):  
Section 507(c), 104 Stat. 327, 42 U.S.C. 12207*

*In meeting the goal of accessibility, emphasis will be placed on ensuring that persons with disabilities will be afforded experiences and opportunities with other visitors to the greatest extent practicable.*

*NPS Management Policies: 9.1.2  
Accessibility for Persons with Disabilities*

The National Park Service has legal obligations to make available equal opportunities for people with disabilities in all of our programs and activities. This requirement includes the opportunity to participate in wilderness experiences. Management decisions responding to requests for special consideration to provide for wilderness use by persons with disabilities must be in accord with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973 (amended in 1978), and Section 507(c) of the Americans with Disabilities Act of 1990. Such decision should balance the intent of the access and wilderness laws and find a way to provide the highest level of access for the disabled with the lowest level of impact on the wilderness resource.

As a matter of law, the Rehabilitation Act (29 USC 701 et seq.) prohibits discrimination on the basis of disability in all programs and activities provided by the National Park Service. The Department of the Interior has adopted regulations (43 CFR 17) to implement the requirements of the Rehabilitation Act. Additionally, in the Americans with Disabilities Act, Congress added the above provision to the Act to address the access needs of persons with disabilities in wilderness areas.

The Secretary of the Interior's regulations regarding "Enforcement of Nondiscrimination on the Basis of Disability in Department of the Interior Programs" (43 CFR 17) require that the NPS will operate all programs and activities so that they are accessible to and usable by persons with

disabilities to the greatest extent practicable. However, Section 17.550 of those regulations states that agencies are not required to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. This concept is also found in Section 507 of the American with Disabilities Act. The agency subsequently has the burden of proving that compliance would result in a fundamental alteration. While providing for the use of wheelchairs in wilderness areas, Congress states that “no agency is required to provide any form of special treatment or accommodation, or to construct any facility or modify any condition of lands within a wilderness area in order to facilitate the use of a person using a wheelchair.”

While the National Park Service is not required to provide any special treatment to provide access for persons with disabilities who use wheelchairs, managers should explore solutions for reasonable accommodations when not in conflict with the Wilderness Act (e.g., barrier-free trails, accessible campsites). Any facilities, built or altered, must meet current accessibility guidelines.

Wheelchairs are allowed in wilderness if they meet the definition in the ADA. The intent of this definition is that a wheelchair is a person's primary mode of locomotion, manual or electric, that is suitable for use in indoor pedestrian areas. This definition is also intended to ensure that persons using wheelchairs are reasonably accommodated in wilderness without the need to compromise the wilderness resource and its character.

The National Park Service will allow service animals within wilderness when it makes these areas accessible and usable by persons with disabilities. The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to a person with a disability. Service animals are required by persons with disabilities in day-to-day activities, and are permitted in wilderness. The training of service animals in wilderness is only allowed with specific permission from the park superintendent. Documentation must be provided that the animal is legitimately in training to be a service animal.

A publication entitled “Wilderness Access Decision Tool” (See Reference Manual #41: Appendix E) provides further guidance in assisting managers in making appropriate, objective, and consistent decisions regarding the use of wilderness areas by persons with disabilities. Managers should ensure that decisions concerning wilderness use does not inadvertently discriminate against persons with disabilities.

## **10. Special Events in Wilderness**

*The National Park Service will not sponsor or issue permits for special events to be conducted in wilderness if those events might be inconsistent with wilderness resources and character, or do not require a wilderness setting to occur.*

*NPS Management Policies: 6.4.5 Special Events*

Special events can cause wilderness resource degradation and intrude on the opportunities for solitude. Any request for the issuance of a permit for a special event in wilderness must be evaluated through the minimum requirement process and administered under 36 CFR 2.50.

Permits will not be issued for special events that are commercial enterprises, or for competitive events, activities involving animal, foot or watercraft races, physical endurance of a person or animal, organized survival exercises, war games, or other similar exercises in NPS wilderness areas.

## **11. Wilderness Training Requirements**

Superintendents, aided by the National Wilderness Program Manager and the Office of Employee Development, are responsible for providing appropriate types and levels of wilderness training needed by park and other agency personnel. Parks will be surveyed on a periodic basis to determine their highest priority wilderness training needs for incorporation into a long-term training strategy.

The Associate Director, Park Operations and Education, in cooperation with the Office of Employee Development, will develop and maintain a strategic plan for wilderness training that identifies training needs for personnel, locations of personnel, and a plan for delivery of training. The Office of Employee Development and the National Wilderness Program Manager will complete an annual training notice to provide information on all wilderness training opportunities available from all sources, recruitment and nomination procedures, criteria for selection of participants, and available funding sources. The National Wilderness Program Manager will also complete an annual report on wilderness training accomplishments.

## **12. Commercial Services in Wilderness.**

*Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise...within any wilderness area....*

*The Wilderness Act: Section 4(c)*

*Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area.*

*The Wilderness Act: Section 6*

*Wilderness-oriented commercial services that contribute to achieving public enjoyment of wilderness values or provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the "necessary and appropriate" tests of the Concessions Policy and Wilderness acts and if they are consistent with the wilderness management objectives contained in the park's Wilderness Management Plan.*

*NPS Management Policies: 6.4.4 Commercial Services*

Appropriate commercial enterprise may be permitted under special provisions found in: (1) Section 4(d)(5) of the Wilderness Act; (2) individual park wilderness enabling legislation; or (3) existing private rights. While a permitted commercial enterprise allowed under Section 4(d)(5), including a commercial recreational service such as a guide service, is not subject to the "prohibition of certain uses" conditions identified in section 4(c) of the Wilderness Act, it must adhere to the minimum requirement concept in all aspects of its operation.

The only structures or facilities used in support of such commercial recreational services that will be allowed in wilderness are temporary shelters, such as tents, which will be removed from the wilderness after each trip unless exceptions are clearly identified in the park's Wilderness Management Plan. There may also be specific exceptions to this policy identified within individual park wilderness enabling legislation or in ANILCA.

Commercial film and commercial photography permits, as identified and required by 36 CFR 5.5, Section 8.6.6 of National Park Service Management Policies, and Director's Order #53, will not be approved in wilderness areas unless determined to be necessary and proper for providing educational information about wilderness uses, resources or values, or necessary for other wilderness purposes.

The appropriate and fair ratio between commercial and private use allocation is to be addressed within the park wilderness management plan and associated environmental compliance document. The public must be afforded a full opportunity to provide input to these use allocations.

### **13. Air Quality in Wilderness**

*The purpose(s) of this part [Prevention of Significant Deterioration of Air Quality] are as follows...to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value...*

*The Clean Air Act: Section 160*

*Congress hereby declares as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I federal areas, which impairment results from manmade air pollution.*

*The Clean Air Act: Section 169A*

The Clean Air Act (CAA) as amended specifically gives Federal Land Managers (FLMs) the affirmative responsibility to protect the air quality related values (AQRVs), including visibility, of Class I areas and to consider, in consultation with the Administrator of EPA, whether a proposed major emitting facility will have an adverse impact on such values (CAA, Section 165 (d)(2)(B)).

AQRVs and levels of impact vary for different Class I areas. Managers must inventory wilderness ecosystems, collect baseline data, and identify sensitive indicators to air pollution. Long term monitoring programs should be established to track changes to these indicators.

Air pollution is a threat that knows no boundaries and is caused by many diverse sources. Most air pollution is generated outside Class I area boundaries and transported into wilderness areas and national parks. These sources of pollution include electric power generation, automobiles and other mobile sources, industrial manufacturing activities, dust from roadways, construction activities and other urban and rural sources, for example. To mitigate the impacts of these sources, managers will be involved in State and local air quality planning and permitting processes and in reviewing NEPA projects with the potential to impact Class I areas. Smoke from wildland fire is an exception, in that it commonly occurs within our Class I areas. Managers will be responsible for reducing the impacts of smoke from wildland fires on visibility in Class I wilderness, while understanding and promoting the need to re-introduce the natural role of fire into wilderness ecosystems.

As community leaders in environmental stewardship, NPS managers are committed to using sustainable practices in parks that will reduce air pollution, such as the use of alternative energy sources, i.e., solar power, wind energy, and alternative fuels. Interpretation of these and other sustainable practices in parks will also help educate visitors on ways they can reduce their contribution to air pollution.

Notwithstanding the FLM's affirmative responsibility to protect AQRVs in Class I areas, we have no direct permitting or enforcement authority over air pollution sources. Ours is a consultation role with the regulatory agencies. Our recommendations can be accepted or rejected by EPA, State, or local air permitting authorities. Therefore, it is very important that managers communicate routinely with regulatory agencies regarding sources that threaten resources in our Class I areas. Managers will participate in interagency partnerships for the purpose of protecting Class I air quality and related values.

#### **14. Annual Report to Congress**

*At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system,....*

*The Wilderness Act: Section 7*

Each wilderness park area will provide the information needed by the Washington Wilderness Program Coordinator to prepare the National Park Service's submission to the Secretary of the Interior for his/her Annual Report to Congress. The format for the park submission will be developed by the Wilderness Program Manager and the National Wilderness Steering Committee. Reference Manual #41: Appendix J contains a draft format as an example of the needed annual park submission.

#### **15. Other Wilderness Management Issues To Be Addressed**

There are many other policy and director's orders issues that need to be addressed and/or expanded upon, and this will be done quickly as time and staffing allow. These issues include, but are not limited to, the following:

Climbing protocols, Annual Report to Congress Format (per Section 7 of the Wilderness Act), Evaluating Proposals for Scientific Activities in Wilderness, Solitude and Preservation of the Wilderness Soundscape, Risk Management and Safety/ Search and Rescue, New/Emerging Technologies, Zoning, Water Resource Management, Human Waste Management, Carrying Capacities, Group Size Limits, and Alien Species Management.

Other issues will be addressed as necessary. Superintendents and staff are encouraged to address these issues within the context of their individual wilderness management plans and/or request program guidance.

---End of Director's Order---

## **V. APPENDICES**

- A. The Wilderness Act
- B. Alaska National Interest Lands Conservation Act
- C. Manager's Wilderness Accountability/Responsibility Checklist
- D. Wilderness Management Plan — Minimum Content
- E. Wilderness Access Decision Tool (1996 U.S. Forest Service)
- F. Examples of Minimum Requirement Decision Tools
- G. Procedures for Completing Legal Descriptions and Boundary Maps
- H** H. Designating Potential Wilderness as Wilderness
- I** I. Primary Interpretive Themes for NPS Wilderness
- J. Leave No Trace Outdoor Skills and Ethics
- K. Reporting Format for Compliance with Section 7 of the Wilderness Act

**APPENDIX A:**  
**THE WILDERNESS ACT**

Public Law 88-577 (16 U.S. C. 1131-1136)  
88th Congress, Second Session  
September 3, 1964

**A N A C T**

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

**SHORT TITLE**

**SECTION 1.** This Act may be cited as the "Wilderness Act."

**WILDERNESS SYSTEM ESTABLISHED - STATEMENT OF POLICY**

**SECTION 2.** (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by the Congress as "wilderness areas," and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

## **DEFINITION OF WILDERNESS**

(c) A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

## **NATIONAL WILDERNESS PRESERVATION SYSTEM EXTENT OF SYSTEM**

**SECTION 3.** (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness," "wild," or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall:

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

**Classification.** (b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or unsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President.

Presidential recommendation to Congress. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act.

Congressional approval. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred acres in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such areas as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

Report to President. (c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments, and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness.

Presidential recommendation to Congress. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act.

Congressional approval. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary

of the Interior with respect to the maintenance of roadless areas within units of the national park system.

Suitability. (d)(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness

Publication in Federal Register. (A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

Hearings. (B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: Provided. That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by not later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendation to the President and to Congress with respect to such area.

Proposed modification. (e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of the OF WILDERNESS AREAS

SECTION 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and wildlife refuge systems are established and administered and:

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 2, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Public Law 607, Eighty-fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796 (2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

## **PROHIBITION OF CERTAIN USES**

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

## **SPECIAL PROVISIONS**

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measure may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

Mineral leases, claims, etc. (3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, production, mining, and processing operations, including where essential the use of mechanized equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if the timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: Provided, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the water of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining

laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Water resources. (4) Within wilderness areas designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: Provided, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

## **STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS**

SECTION 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture:

Transfers, restriction. Provided, however, That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

Acquisition. (c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

## **GIFTS, BEQUESTS, AND CONTRIBUTIONS**

**SECTION 6.** (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be in such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of L REPORTS

**SECTION 7.** At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Approved September 3, 1964.

Legislative History:

House Reports: No. 1538 accompanying H.R. 9070 (Committee on Interior & Insular Affairs) and No. 1829 (Committee of Conference).

Senate Report: No. 109 (Committee on Interior & Insular Affairs).

Congressional Record:

Vol. 109 (1963): April 4, 8, considered in Senate.  
April 9, considered and passed Senate.

Vol. 110 (1964): July 28, considered in House.  
July 30, considered and passed House, amended,  
in lieu of H.R. 9070.

August 20, 1964, House and Senate agreed to conference report.

## **APPENDIX B**

### **ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT**

The full act should be referenced as needed, but the following is a list of those portions of ANILCA which have direct wilderness management implications for the National Park Service. In some respects, nearly the entire text of ANILCA has implied wilderness management effects. This list attempts to identify the most pertinent sections and is not intended to be an all-inclusive checklist for management actions. These sections include:

Section 101(b)--Purposes

Title II--Establishment and administration of park areas

Section 701--Designation of wilderness in NPS units

Section 707--Administration of wilderness

Section 801--Subsistence findings

Section 802--Subsistence policy

Section 810--Subsistence evaluations

Section 811--Access for subsistence

Section 815--Subsistence limitations, savings clauses

Section 1106(b)--Transportation systems in wilderness areas

Section 1110--Special access and access to inholdings

Section 1111--Temporary access

Section 1301--Management plans

Section 1303--Use of cabins and other sites

Section 1306--Administrative sites and visitor facilities

Section 1307--Commercial visitor services

Section 1310--Navigation aids

Section 1315--Wilderness management

Section 1316--Allowed uses (temporary facilities)

Section 1317--Wilderness review

## APPENDIX C

### MANAGER'S WILDERNESS RESPONSIBILITY AND ACCOUNTABILITY CHECKLIST

A park's wilderness program will provide, accountability, consistency, and continuity when the following actions are completed or current (answer Yes, No, or In Process):

<u>ITEM</u>	<u>COMPLETED?</u>
<b>I. Complete Wilderness Identification and Designation Process:</b>	
A. Wilderness Suitability Assessment Completed Within One Year of Park Establishment or Land Acquisition?	_____
B. Wilderness Studies on Suitable Areas completed ?	_____
C. Wilderness Proposal based on Studies forwarded to Director and the Department of Interior?	_____
D. Wilderness Designation Process Tracked After Wilderness Recommendation forwarded by President to Congress?	_____
<b>II. Complete Wilderness Management Plan.</b>	
A. Wilderness Management Plan current and approved?	_____
B. Wilderness Management Plan Coordinated with other Planning Documents?	_____
<b>III. Establish Wilderness Management Accountability.</b>	
A. Wilderness Integrated into the Critical Results Section of Superintendents Annual Performance Plan?	_____
B. Position Descriptions for Superintendent and Staff Accurately Reflect Wilderness Responsibilities?	_____
C. Wilderness Identified in KSA's in Vacancy Announcements?	_____
D. Key Park Staff Has Received Needed Wilderness Training?	_____
E. Wilderness Integrated Within GPRA Strategic Plan?	_____

F. Park Has Provided Needed Information For  
Annual Report to Congress? \_\_\_\_\_

**IV. Administer and Protect Wilderness Resource**

**J**

A. Individuals/Organizations responsible for Park  
Wilderness Management Program identified? \_\_\_\_\_

**K**

B. Minimum Requirement Process Established ? \_\_\_\_\_

C. Progress in Implementing Wilderness Management Plan? \_\_\_\_\_

C. Suitable, Study Areas, Proposed, and Recommended  
Wilderness Managed as Wilderness and Maintained  
in a Non-degraded Condition? \_\_\_\_\_

E. Legal Descriptions and Boundary Maps Completed? \_\_\_\_\_

F. Potential Wilderness Managed and Non-Conforming  
Uses Monitored ? \_\_\_\_\_

G. Potential Wilderness Converted to Designated Wilderness  
within One Year of Termination of Non-Conforming Uses? \_\_\_\_\_

H. New/Growing/Changing Recreation Activities Evaluated  
to determine appropriate management actions? \_\_\_\_\_

I. Comprehensive Interpretive Plan includes Wilderness  
Interpretive Themes that reflect the wilderness significance  
statement(s) appearing in the park's GPRA plan? \_\_\_\_\_

J. Appropriate scientific activities encouraged and  
applications processed in a timely manner? Less  
intrusive methods encouraged? \_\_\_\_\_

K. In Compliance with Geographic Protocols? \_\_\_\_\_

## **APPENDIX D**

### **WILDERNESS MANAGEMENT PLAN—RECOMMENDED CONTENT**

#### **I. INTRODUCTION**

- A. Goals and Objectives of the Plan. Provide an introductory statement which establishes the purpose and goals of the plan.
- B. Identification of the Wilderness Area. The park should provide a map (preferably using the GIS format), and text as needed, which clearly illustrates exactly where the park and wilderness boundaries are located. In order to provide maximum protection to wilderness resources, boundary maps should be as detailed as possible.
- C. Legislation and Pre-Existing Conditions Affecting Wilderness Management. Identify any legislative constraints and/or conditions which affects the management of the wilderness unit. This should also include the identification of any valid existing rights (patented or unpatented mining claims, treaty rights, access, water rights, legislated grazing, rights-of-way, etc.) that predate wilderness.
- D. Relationship of Wilderness Plan with Other Management Plans, Directives, and Initiatives. Explain how the wilderness plan relates to other pertinent management plans, initiatives, and directives, including the parks Government Performance and Results Act [GPRA] Strategic Plan.

#### **I. WILDERNESS MANAGEMENT PROPOSED GOALS AND ACTIONS**

- A. Inventory of Administrative Facilities.
  - 1. Trails
  - 2. Camp Areas
  - 3. Administrative Facilities: Identify and justify the current administrative facilities (toilets, buildings, repeater sites, radio towers, weather stations, research installations, etc.) which will be maintained or allowed within the wilderness and the standards/conditions at which these facilities are maintained. The justification should clearly explain why the specific administrative facility or installation is needed and/or authorized within wilderness and why these facilities are needed "for the purpose of the Wilderness Act." This section should also describe the procedures and protocols, including cultural resource management requirements, which will be used to operate and maintain these facilities, i.e., use of specialized equipment to maintain facilities, aircraft use. Also identify those facilities which are incompatible and explain how these will be removed. Inventory lists can be included as an appendix.

- A. **Establish Desired Future Conditions:** This section of the plan should describe the future conditions which should be achieved within wilderness as a result of your management actions. These conditions should be described in terms of measurable factors such as, but not limited too: physical or biological conditions (wildlife, air and water quality), cultural resource values, natural processes (re-establishment of fire regimes), visitor wilderness experiences, and levels of protection of natural and cultural resources. It is advisable to establish these conditions through public participation.

Parks may apply accepted methodologies (Limits of Acceptable Change [LAC], or Visitor Experience and Resource Protection [VERP], or use reliable historic and/or anecdotal resource monitoring data to establish the indicators and standards needed to quantify these numbers. Regardless, the public must be provided with an opportunity to participate in the establishment of the desired future conditions for the wilderness, either through full involvement in an LAC or VERP process, or through formal review of the draft wilderness management plan. (See Intermountain Forest and Range Experiment Station General Technical Report INT-176 for a full explanation of the nine-step LAC process, the LAC discussion in Wilderness Management by Hendee, Stankey, and Lucas (1990), and the Wilderness Planning handbook developed by the Arthur Carhart National Wilderness Training Center.

- B. **Establish Monitoring Indicators.** “Monitoring indicators” are the measurable variables used to evaluate the whether or not desired future conditions are actually being achieved. The changes to these indicators are caused by human activity and, accordingly, should be reflected by your management actions. Examples of measurable indicators include: number of occupied camps within sight and sound of each other, trailhead and trail social encounters, number of campsites per drainage, vegetation impacts in campgrounds, indications of human waste, social trailing, frequency of natural fires, recovery and/or protection of sensitive resources etc.
- C. **Establish Standards for Indicators.** Standards may be quantitative or qualitative. Condition-type standards describe acceptable resource and experience conditions in measurable terms that are considered realistic and attainable so it is clear when corrective management action is needed. Management-type standards describe the requirements that limit managers’ discretion on how the desired condition might be achieved (procedures and actions that must be adhered to which are not already covered by national or regional policy directives.

Standards should: promote conditions that meet the intent of the Wilderness Act and specific management goals, meet agency policy and regulations, meet desired future conditions, be attainable, allow or a certain amount of deviation, achieve what citizens, managers, and scientists consider acceptable, and be capable of being analyzed successfully. This section should include the establishment of the threshold standards at

which management action will be triggered, and the methods that these indicators will actually be monitored.

- D. Establish Visitor Use Levels. Provide a description of the amount and types of human uses which will be permitted within the wilderness using the above desired future conditions, indicators, and standards, i.e., camping, group size limits, trail use limits (if any), day use limits (if any), etc.
  - 1. Trail and Crosscountry Use Capacities
  - 2. Establish Social\Experience Levels
  - 3. Camp Area Use
  - 4. Permits and Reservation System
  - 5. Sanitation Issues
- E. Staff Organization and Accountability. Identify key members of the park staff who are directly responsible and accountable for the parks wilderness management program. The plan should also include a statement as to when the plan should be reviewed for renewal and/or updating.
- F. Application of "Minimum Requirement" Concept. Establish a procedure for determining the method by which the park's administrative actions will be conducted in wilderness. Describe the process the park intends to use to determine the "minimum requirement" for administrative activities normally prohibited within wilderness. Include an explanation as to how the decision process will be documented.
- G. Access by Persons with Disabilities. As appropriate, describe how the park plans to make the area accessible to persons with disabilities.
- H. Stock Use. Determine whether or not saddle and pack stock use will be permitted and identify the specific limitations of this use within wilderness. Describe how this use is coordinated with the park's stock use management plan. Include any special conditions or regulations that would affect legislatively permitted livestock grazing with the park's designated wilderness. The use of livestock in wilderness must reconcile the goals of the wilderness management plan and the park's other stock management directives. Accordingly, the parks will be responsible for applying policies applicable to both when developing and implementing their respective management programs.
- J. Fire Management. (See Section IV.C.5)
- G** K. Cultural Resources. Describe how cultural resources will be inventoried, preserved and protected in keeping with approved natural and cultural resource management plans. See Section IV.C.4 (Cultural Resources) of this reference manual.

- L. Climbing and Mountaineering. Describe how these activities, if present, will be managed.
- M. Interpretation and Education. Add statements describing how this will be managed. (See Section IV.C.6 and Appendix I of this reference manual.)
- N. Management of Valid Existing Rights and Congressionally Authorized Uses. Describe how these rights are to be administered to provide protection to wilderness.
- O. Interaction with Other Federal Land Management Agencies. Provide an explanation of how the park manager will coordinate, as much as possible, with adjoining wilderness units so that visitors traveling from one wilderness to the other can do so with a minimum of bureaucratic impediments. Examples include the issuance of permits, similar riding and packstock use programs, similar group and party sizes, and similar policy on the use of fire by visitors.
- P. Scientific Activities. Describe how the park will administer scientific activities (including NPS research and scientific activities) to ensure that this activity applies the minimum requirement protocols when assessing the benefits and impacts of the research to wilderness.
- Q. Additional Items as Needed. Address how other specific management issues including but not limited to alien species, signs, campfires, pets, grazing, caves, threatened and endangered species, will be managed in wilderness.

### III. ENVIRONMENTAL COMPLIANCE: ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT

The following outline reflects the general NPS compliance contents for development of an environmental assessment. Individual parks will need to evaluate the potential for controversy and/or the level of public involvement needed for their respective Wilderness Management Plans, per requirements identified in Director's Order #12 and the NPS NEPA Handbook. An environmental assessment is considered the minimum environmental compliance document. A park may be required to do an environmental impact statement.

#### APPENDICES (AS NEEDED)

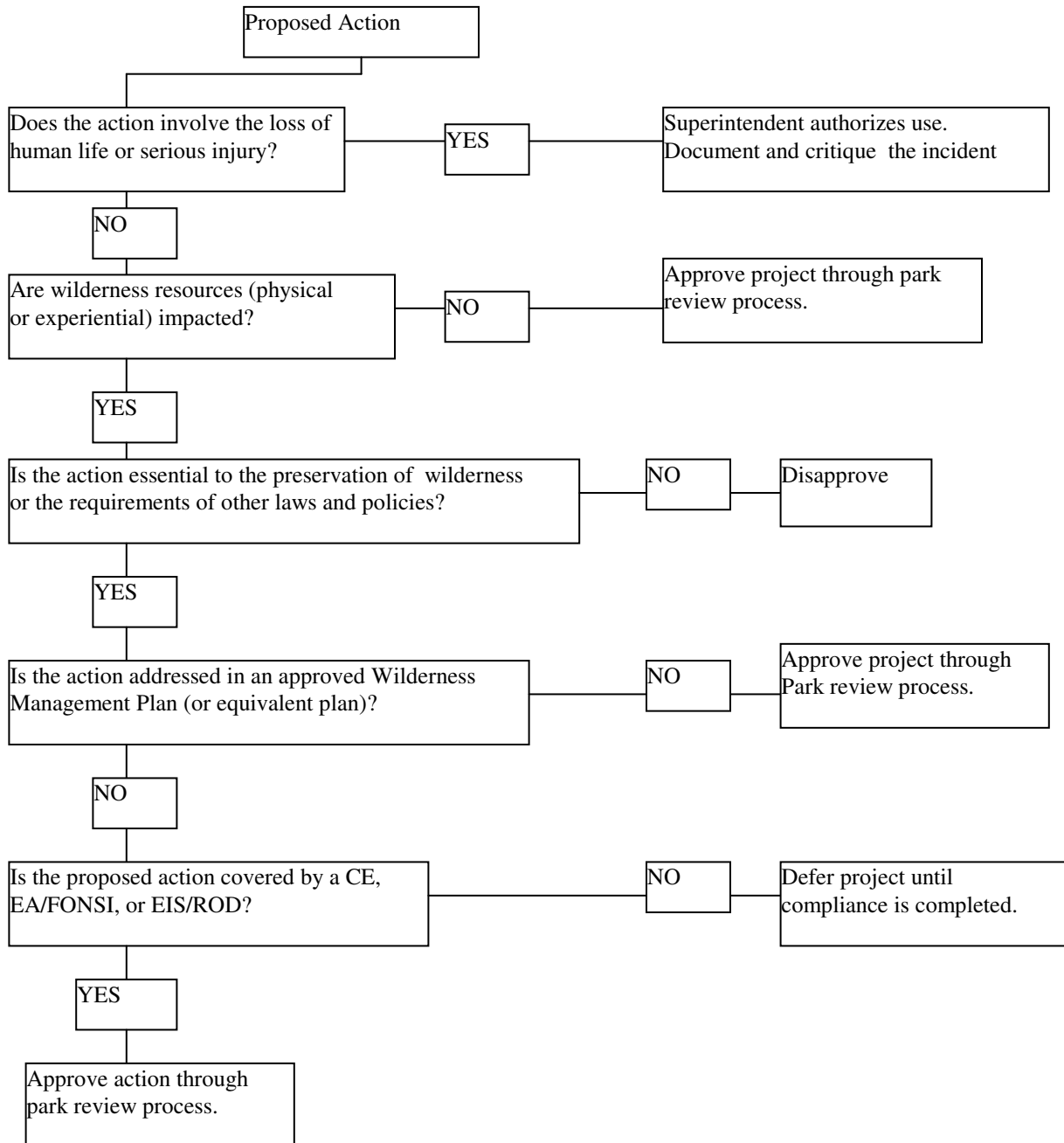
## **APPENDIX E**

### **WILDERNESS ACCESS DECISION TOOL (1996 U.S. FOREST SERVICE)**

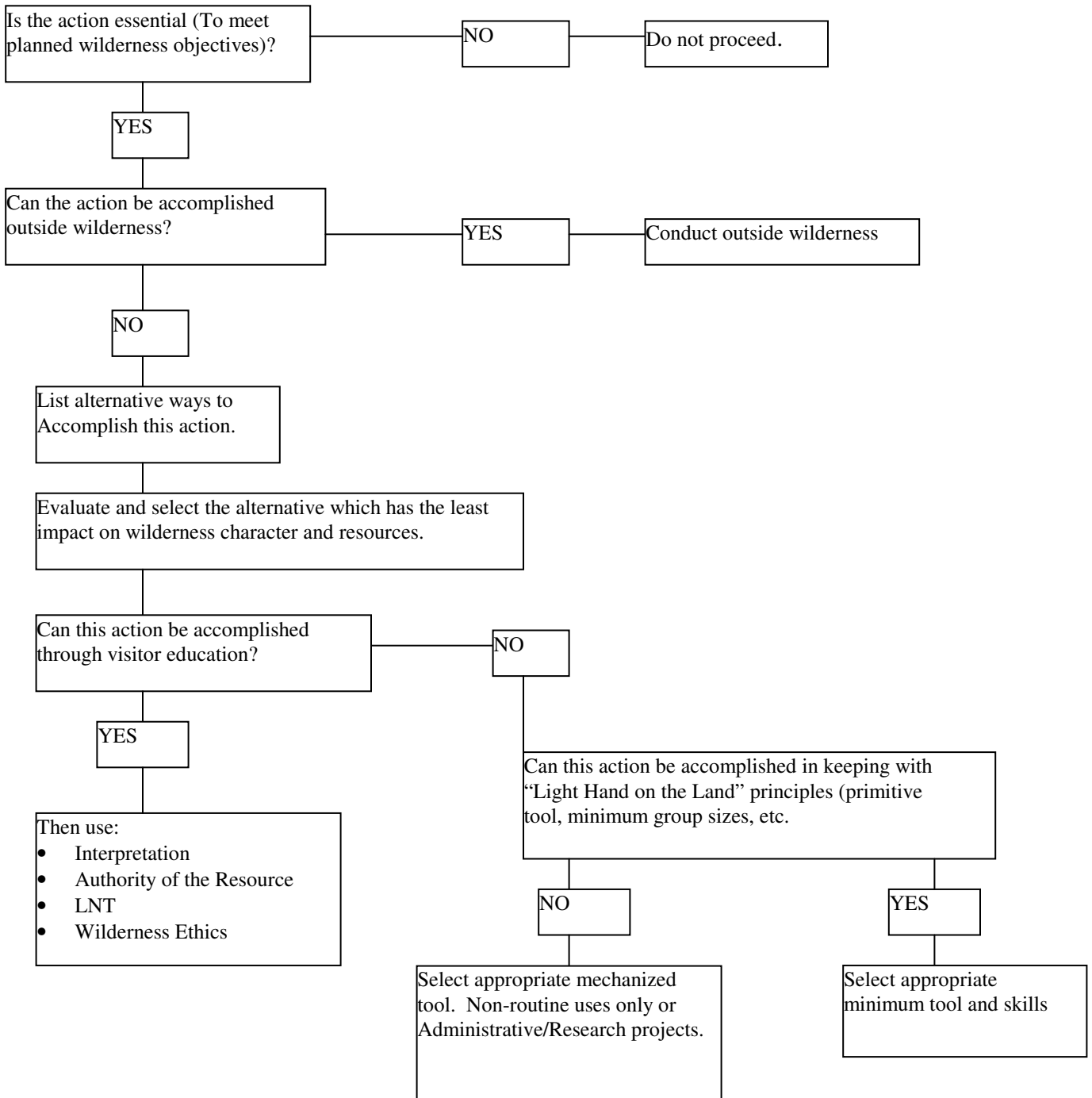
(Appended as separate document)

## APPENDIX F

### EXAMPLES OF MINIMUM REQUIREMENT DECISION TREES EXAMPLE #1



## Example #2



### Example #3

#### Decision Screening Questions

1. Does your action insure that wilderness is not occupied and modified?
  2. Does your action maintain or move the wilderness toward less human influence within legal constraints?
  3. Does your rationale allow wilderness to retain solitude and elements of surprise and discovery?
  4. Did you evaluate the traps of making decisions based on economy, convenience, comfort, or commercial value?
  5. Did you look beyond the short-term outputs to ensure that future generations will be able to use and enjoy the benefits of an enduring resource of Wilderness?
  6. Does the alternative support the wilderness resource in its entirety rather than maximizing an individual resource?
  7. Does your decision recognize the unique characteristics for this particular wilderness?
- G** 8. Does the action prevent the effects of human activities from dominating natural conditions and processes.

Affirmative answers protect the wilderness!

Other examples of minimum requirement decision screening tools can be obtained from the Arthur Carhart National Wilderness Training Center ([www.wilderness.net/carhart](http://www.wilderness.net/carhart)).

## APPENDIX G

### PROCEDURES FOR COMPLETING LEGAL DESCRIPTIONS AND BOUNDARY MAPS

**A. Statutory Requirement.** In 1970 Congress established the first wilderness within a national park system area. That law required that the National Park Service prepare legal descriptions and maps of the wilderness. In virtually all wilderness designations since, Congress imposed the same duty upon the National Park Service.

Most national park system wilderness acts require that legal descriptions and maps be filed with Congress “as soon as practicable after” the establishment of wilderness. Some parks have discharged this responsibility. Others parks have not. This section of Reference Manual 41 guides parks in preparing legal descriptions and maps.

**B. Legal Description Defined.** A legal description of a boundary is a written, narrative recital of the external border of a tract of land and/or water. That recital begins at a fixed point on the boundary. Proceeding in a counterclockwise direction, the recital describes the boundary - segment by segment. Each segment must begin at the exact point where the preceding segment ended. The last segment ends at that same fixed point where the boundary description began.

Each segment represents a discrete portion of the boundary characterized by a common direction. Thus, each segment varies in length, usually until a change in direction occurs and a new segment begins. Sometimes the describer may create shorter segments before a change in direction if it will assist in better describing the boundary, for example by ending and beginning at a known or surveyed point. Each segment is described as a separate paragraph in the legal description. The legal description of a large, uncomplicated wilderness boundary may be several pages in length.

A legal description usually consists of segments that conform to the borders of aliquot parts. However, a legal description may also contain segments that describe a straight line that lies between two fixed points on the ground. A segment may also be a meandering line, conforming to a topographic contour or paralleling a relatively fixed feature on the ground such as a road or body of water.

A less common method of legal description is to list the lands that are in wilderness tract-by-tract rather than to describe their external edges. For example, a legal description could read “Wilderness Unit #1 - Township 15 North, Range 14 E., sections 1 through 10.” This method can be employed only where lands are laid out in a rectangular survey system (generally outside the boundaries of the original thirteen colonies). Some parks have already composed legal descriptions that use this method. The National Park Service will not convert such previously filed legal descriptions into the external boundary method. However all future legal descriptions will employ the external boundary method.

Legal descriptions must employ standard methods and terminology used by Bureau of Land Management Cadastral Survey personnel. However, a legal description of land is not the same as a “survey,” nor does a legal description require that a boundary line be surveyed first. A survey is conducted to physically establish and mark the boundaries between abutting landowners, more particularly between the wilderness or park boundaries and non-wilderness and non-park lands.

**C. Reason for Legal Description.** Congress invariably requires that the National Park Service prepare both a legal description and a map for wilderness areas. A final map without a legal description does not meet statutory requirements.\_

Converting a legislative wilderness map into a written legal description of the lands serves two purposes. First, a legal description represents the precise delineation of a boundary in a written format; a description able to replicate a boundary line in the same place on maps of any scale. Consistent replication is not possible by simply transposing a visual impression of a boundary line directly from a legislative map onto another map. Second, a written legal description creates an intermediate step between the legislative and final maps; an additional step that assists in clarifying and refining a boundary. A written description acts as a check that prevents or detects errors when drawing the boundary on a final map.

**D. Source for Legal Description.** The primary and fundamental source for writing a legal description is the “legislative map” (or maps). The legislative map of wilderness is the map that is cited in, or accompanies, the law that designates the wilderness and was prepared by the National Park Service (submitted with the President’s Recommendation). For most National Park Service wilderness, the law designating wilderness cites a legislative map by name, number and date. However, for other National Park Service wilderness (for example the parks of the California Desert), Congress appends maps of its own to the designating statute.

The legislative maps are not the “final” wilderness maps. If they were, Congress would not mandate that the National Park Service produce a subsequent wilderness map. Only after the National Park Service has written a legal description and drawn a map from that description can the final wilderness map be produced.

Each park must conform as strictly as possible to the legislative map when translating the wilderness boundary into a legal description and final map. The process of describing or drawing a final boundary is not to be used to adjust or modify wilderness boundaries. Neither the National Park Service nor the Secretary has the power to change boundaries from the legislative maps to accommodate uses that would otherwise be prohibited or to ease restrictions or eliminate friction.

Parks may describe wilderness boundaries that make slight corrections to the legislative maps, if the legislative maps contain an obvious error, such as inclusion of a visitor center or automobile campground that Congress never intended to be within wilderness. Such latitude

does not, for example, permit the park to draw a dirt road out of wilderness because the NPS or users wish it to remain open.

Parks have some latitude to interpret the exact location on the ground of the legislative map wilderness boundaries. Legislative map boundaries are usually marked by a line whose thickness on the map may correspond to a hundred or more feet on the ground. The park may place the boundary, in the legal description and final map, at the inner or the outer edge of that line. In doing so, parks should act conservatively, deferring to maximum wilderness protection.

**E. Road Corridor Widths in Wilderness.** Few legislative wilderness maps prescribe the distance from roads that border wilderness or the corridor width of roads that pass through wilderness. Nevertheless, this issue will inevitably arise when writing the legal description of wilderness.

In a few cases, such as the California Desert Protection Act, Congress prescribes the distance of wilderness boundaries from roads. For the most part, Congress is silent about the distance of wilderness from established roads. In such cases, this Manual prescribes the standards that govern such distances and widths for all parks that have yet to write legal descriptions of their wilderness.

This manual adopts the same standards found in the BLM Wilderness Manual. For paved roads that form the boundary of wilderness, the wilderness boundary lies 100 feet from road centerline. For dirt roads that form the boundary of wilderness or that are a corridor in wilderness, the wilderness boundary lies 30 feet from road centerline. Exceptions to these standards may need to be made on a case by case basis to accommodate environmental protection and safety considerations.

**F. Drawing Final Wilderness Maps.** For parks that have not yet drawn final wilderness maps, the legal description of wilderness will be depicted on a map or maps of no less than 1:100,000 scale. Parks may use a scale of less than 1:100,000, at their discretion. The maps will be drawn only from a written legal description that has been thoroughly checked for accuracy and marked and dated as “Final.” The maps may be drawn in the regional lands resources office or in the park if skilled cartographic technicians are available. The park will stamp this map as “Draft” and date it.

Park and regional office staff will review the draft of the wilderness maps, check them against the final legal description to detect any errors. After this step, the park will prepare final wilderness maps. The park will stamp that map as “Final” after approval by the superintendent.

The park will then arrange to have printed at least ten sets of the final maps and as many additional sets as the park superintendent deems desirable for park staff or public use.

The writing of the wilderness legal descriptions and preparation of wilderness maps are categorically excluded from review and public comment under the National Environmental

Policy Act (516 Departmental Manual 6, Appendix 7.4(A)(2)). However, if prior to release of the final maps, the park consults with any interested public parties or individuals to resolve questions of wilderness boundaries, the park must do so openly and give due notice to all interested groups.

**G. Recording and Filing the Maps.** The park will send four sets of maps and legal descriptions to the appropriate regional office. The regional office will retain two sets (one each in the regional land resources and wilderness coordinator's office). The regional office will send two sets, with a transmittal letter from the Regional Director, to the Chief, Office of Legislative Affairs, if the law requires that the NPS file the final legal description and map with Congress. The Office of Legislative Affairs will submit the final legal description and maps to the Congress under signature of the Director.

The submission of maps to congressional committees, when such is prescribed by law, completes the process. Upon filing the documents, the legal description and maps have the same force and effect as if they were contained in the law designating wilderness itself.

The National Park Service does not need an affirmative congressional endorsement of the legal description and maps before they become final. The legal description and maps are final upon submittal. Congress' recourse, in cases where Congress disapproves of the final legal description and maps, is to amend the wilderness boundary by further legislation.

The park will send a set of legal description and maps to Associate Director, Operations and Education for transmittal to the WASO wilderness program manager. The park will send a set to the Technical Information Center of the Denver Service Center. The park will retain at least four sets of the legal description and wilderness maps in park offices. One of those sets must be archived in the park's curatorial collection.

**H. Correcting Errors.** NPS staff or the public may detect typographical or clerical errors in the final legal description and/or in the final wilderness maps. The laws that establish NPS wilderness often provide a mechanism for the National Park Service to correct errors after the legal description and maps are made final

Errors come in many shapes and sizes. A legal description could inaccurately describe the map, or a map line may conflict with the description. A number or direction could be a typographical mistake. Errors may be uncovered shortly after filing the maps, or decades later. It is never too late to correct errors.

The National Park Service will correct errors by writing a memorandum from the park superintendent. The memorandum will explain the error in the existing legal description and/or map(s). If the correction results in a change of wilderness acreage, the memo will so state. The memo of correction will be sent to the regional lands office, the WASO wilderness program manager and the Technical Information Center of the Denver Service Center. Each office will append the memo of correction to the existing final legal description and wilderness maps.

Correcting typographical or clerical errors can not be used to adjust or modify wilderness boundaries to eliminate management problems or concerns. Adjusting or modifying existing wilderness boundaries may be made only by a recommendation to Congress that Congress enacts into law.

## APPENDIX H

### DESIGNATING POTENTIAL WILDERNESS AS WILDERNESS

**A. Potential Wilderness.** The 1964 Wilderness Act does not provide for a category of “potential wilderness.” Congress itself established this category in 1976 when designating wilderness in several parks, a practice Congress has since continued.

Potential wilderness lands are Federal lands that Congress designates to become full wilderness upon the elimination of nonconforming uses prohibited by the Wilderness Act. Prohibited uses could include a road, or a structure/installation such as a water pipeline. Congress has also designated Federal lands as potential wilderness in a park where the otherwise qualified Federal lands are interspersed among many non-federally owned tracts, so when the non-federal lands are acquired the area can be included as wilderness.

Potential wilderness is not intended to be a permanent land status. Potential wilderness is a “half-way house” for lands that otherwise merit full wilderness designation except for temporary, non-conforming conditions. Congress has suspended the wilderness designation until the Secretary has determined that the non-conforming used has been terminated.

**B. Managing Potential Wilderness.** Potential wilderness is managed as if it were wilderness, to the extent the non-conforming uses or conditions allow. Each park should inventory its designated potential wilderness lands within two years of publication of DO# 41 and every five years thereafter to check the status of the non-conforming uses or conditions. For designated potential wilderness, the wilderness management plan will address how and when the park intends to bring about the cessation of those uses or conditions.

**C. Conversion Authority.** When Congress includes “potential” wilderness in a National Park Service wilderness designation, it intends for the Director, delegated by the Secretary of Interior, to complete the conversion process from “potential” to “designated.” The National Park Service does not need additional authority or approval from Congress to do so. The National Park Service must follow the direction of Congress and publish a notice in the Federal Register.

**D. When to Complete Conversion.** The appropriate time to designate potential wilderness as wilderness is when “uses...prohibited by the Wilderness Act have ceased.” Further, once such uses have ceased, the laws require that the National Park Service publish a notice that the area is now designated wilderness. When the park’s inventory, done within 2 years of issuance of D.O. #41 or every five years thereafter, reveals that substantial tracts of potential wilderness qualify as wilderness, the park should use the this guidance to complete the conversion process.

**E. How to Convert Designated Potential Wilderness.** Converting designated potential wilderness to designated wilderness is a relatively simple process. The park will prepare a

notice to be published in the FEDERAL REGISTER (FR). For an example of such a notice, see FR Vol. 62, No101, page 28729-28730. That edition contains a notice designating 3,052 acres of potential wilderness as wilderness in Joshua Tree National Park.

The park will file a copy of the notice with its wilderness maps. Also, copies should be sent to the Regional Office, the office of the WASO wilderness program manager and the Technical Information Center of the Denver Service Center to be included with the maps on file.

Publication of a notice to designate potential wilderness as wilderness is categorically excluded from review and public comment under the National Environmental Policy Act (516 Departmental Manual 6, Appendix 7.4(A)(2)).

## APPENDIX I

### Primary Interpretive Themes for NPS Wilderness

Interpretation provides opportunities for people to forge intellectual and emotional connections to the meanings inherent in wilderness resources. Interpretive themes communicate specific messages based upon the significance of the wilderness resource and experience to the American people. They are the stories through which the values of wilderness are conveyed to the public. These themes connect wilderness to larger ideas as well as universal meanings and values. They are the building blocks on which interpretive products and services for wilderness are based. The interpretive themes for National Park Service wilderness areas are:

<b>PRIMARY INTERPRETIVE THEMES FOR WILDERNESS EDUCATION</b>	
Theme A	The concept of wilderness, codified in law, originated in the United States with the conviction that some wild land resources are most valuable to Americans left in their natural state. ( <i>e.g. social, scientific, economic, educational, recreational , and cultural value</i> )
Theme B	As a foundation for healthy and diverse ecosystems, officially designated wilderness and other remaining wild lands provide critical habitat for rare and endangered species and play a significant role in the overall health of natural systems worldwide. ( <i>e.g. watersheds, air quality</i> ).
Theme C	By law, wilderness is managed differently than other federal lands in order to retain its primeval character and preserve wilderness as a special place for humans to examine their relationship to the natural world.
Theme D	Wilderness offers opportunities for personal renewal, inspiration, artistic expression, pride of ownership of our shared heritage, and the prospect of hope for the future. Wilderness has inspired and continues to inspire a distinctive genre of literature and art, enriching millions of lives in the United States and around the world.
Theme E	Wilderness provides opportunities for physical and mental challenge, risk and reward, renewal, self-reliance, solitude, and serves as a haven from the pressures of modern society. ( <i>e.g. exploration, discovery, and recreation</i> )
Theme F	The survival of wilderness depends on individual and societal commitment to the idea of wilderness and on appropriate visitor use, behavior, and values. ( <i>e.g. appreciation, values, skills</i> ).

Theme G	Wilderness provides a unique setting for teaching ecosystem stewardship as well as science, math, literature, art and other subjects using an interdisciplinary approach. <i>(e.g. civics, outdoor skills, music, and others).</i>
Theme H	Wilderness contains primitive areas relatively undisturbed by human activities where scientific research may reveal information about natural processes and living systems that may have wide-ranging applications and may serve as global indicators of ecological change.
Theme I	Cultural and archeological sites found in wilderness can provide a more complete picture of human history and culture. <i>(This includes indigenous peoples, conquests, colonialism and resistance, freedom, independence, and ingenuity, a sense of connectedness, stewardship, and human survival.)</i>
Theme J	The Wilderness Act created a National Wilderness Preservation System that preserves some of the most unique ecological, geological, scientific, scenic, and historical values in the National Park System, Fish and Wildlife Refuge System, National Forest System, and in public lands administered by the Bureau of Land Management, and that the public and Congress have determined to require special protection.
Theme K	Wilderness visitors must accept certain inherent risks associated with weather, terrain, water, wildlife, and other natural elements. Visitor safety cannot be guaranteed, but can be enhanced with proper trip planning, appropriate skill, and responsible behavior.

## APPENDIX J

### LEAVE NO TRACE OUTDOOR SKILLS AND ETHICS

THE 7 PRINCIPLES OF LNT	MAJOR SECTIONS	SUB-HEADINGS
<b>Plan Ahead and Prepare</b>	<ul style="list-style-type: none"> <li>• Be Informed</li> <li>• Know Your Group</li> <li>• Take Responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• Plan Your Meals</li> <li>• Use Proper Gear</li> <li>• Accept the Risks</li> <li>• Know and Respect Regulations</li> </ul>
<b>Travel and Camp on Durable Surfaces</b>	<ul style="list-style-type: none"> <li>• Recognize Durable Surfaces</li> <li>• Concentrate Use in Popular Areas</li> <li>• Disperse Use in Remote Areas</li> </ul>	<ul style="list-style-type: none"> <li>• Stay on maintained trails</li> <li>• Snow, rock, gravel or dry grass are best</li> <li>• Use Designated Campsites or areas that are already in use</li> <li>• Avoid Places Where Impacts Are Just Beginning</li> <li>• Spread Out When Traveling Off-Trail</li> </ul>
<b>Properly Dispose of Waste</b>	<ul style="list-style-type: none"> <li>• Pack It In - Pack It Out</li> <li>• Practice Good Sanitation</li> <li>• Hunting and Fishing</li> </ul>	<ul style="list-style-type: none"> <li>• Properly dispose of litter</li> <li>• Properly Dispose of Feces</li> <li>• Properly Dispose of Urine</li> <li>• Properly Dispose of Waste Water</li> <li>• Properly Dispose of Fish and Game Entrails</li> </ul>
<b>Leave What You Find</b>	<ul style="list-style-type: none"> <li>• Minimize Site Alterations</li> <li>• Leave Natural Features Undisturbed</li> <li>• Help Preserve the Past</li> <li>• Eliminate Non-native Species</li> </ul>	
<b>Minimize Campfire Impacts</b>	<ul style="list-style-type: none"> <li>• Understand the Impacts</li> <li>• Consider Alternatives</li> </ul>	<ul style="list-style-type: none"> <li>• Campstoves Have Advantages</li> <li>• Use Down and Dead Wood Only</li> <li>• Keep Your Fire Contained</li> <li>• Use Established Fire Rings</li> <li>• Try Mound or Pan Fires</li> </ul>
<b>Respect Wildlife</b>	<ul style="list-style-type: none"> <li>• Keep Wildlife Wild</li> </ul>	<ul style="list-style-type: none"> <li>• Enjoy Wildlife at a Distance</li> <li>• Never Feed Wildlife</li> <li>• Store Food and Garbage Properly</li> <li>• Minimize Noise</li> <li>• Avoid Sensitive Habitat</li> </ul>
<b>Be Considerate of Other Visitors</b>	<ul style="list-style-type: none"> <li>• Minimize Social Impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Avoid Conflicts</li> <li>• Minimize Noise</li> <li>• Keep a Low Profile</li> <li>• Manage Your Pet</li> </ul>

**APPENDIX K**

**REPORTING FORMAT FOR COMPLIANCE  
WITH SECTION 7 OF THE WILDERNESS ACT**

[RESERVED]

## VI. DEFINITIONS

**Air Quality Related Values:** Air quality related values (AQRVs) have been defined as; “a scenic, cultural, physical, biological, ecological, or recreational resource which may be affected by a change in air quality as defined by the federal land managers for federal lands”. Class I areas are given additional protection for AQRVs against air pollution. Visibility is specifically identified in the CAA as an AQRV. NPS includes night sky visibility in this category.

**Backcountry:** The National Park Service uses the term “backcountry” to refer to primitive, undeveloped portions of parks. "Backcountry" is not the same as "wilderness," and is not a specific management zone. Rather, it refers to a general condition of land that may occur in zones outside wilderness. Wilderness and backcountry may require different administrative practices because the Wilderness Act imposes additional conditions and constraints.

**Class I Areas:** As defined in the CAA include national parks larger than 6,000 acres and national wilderness areas and national memorial parks which exceed 5,000 acres, in existence on August 7, 1977. The 1990 Amendments provided that the extent of these Class I areas shall conform to any boundary changes occurring subsequent to August 7, 1977. Currently, 48 areas in the National Park system, 21 Refuge System units, and 88 areas under the administration of the Forest Service are designated as Class I.

**Designated Wilderness:** Federal land designated by Congress as a wilderness area and a component of the National Wilderness Preservation System where the NPS is required to manage according to the Wilderness Act of 1964.

**Mechanical Transport:** Any contrivance for moving people or material in or over land, water, snow or air that has moving parts and is powered by a living or non-living power source. This includes (but is not limited to) wheeled vehicles such as bicycles, game carriers, carts and wagons. "Mechanical transport" does not include wheelchairs when used as necessary medical appliances, nor does it include skis, snowshoes, sleds, travois, non-motorized river craft including driftboats, rafts, or canoes, or similar primitive devices.

**Minimum Requirement Concept:** The minimum requirement concept is a two-step process that documents 1) the determination as to whether or not a proposed management action is appropriate or necessary for the administration of the area as wilderness, and does not pose a significant impact to the wilderness resources and character; and, 2) the selection of the management method (tool) that causes the least amount of impact to the physical resources and experiential qualities (character) of wilderness.

**Minimum Tool:** A use or activity, determined to be necessary to accomplish an essential task, which makes use of the least intrusive tool, equipment, device, force, regulation or practice that will achieve the wilderness management objective.

**Motorized Equipment:** Any machine activated by a motor, engine, or other non-living power source. This includes chain saws, power drills, generators, windmills and snow blowers. "Motorized equipment" does not include shavers, wrist watches, clocks, flashlights, cameras, camping stoves, solar panels, batteries, explosives, geiger counters, cellular telephones, radio receivers or transmitters, GPS units, or other similar small, battery-powered, hand-carried personal camping equipment.

**Motor Vehicle:** Any vehicle that is self-propelled, including any vehicle that is propelled by electric power. (See 36 CFR 1.4, Definitions).

**Potential Wilderness:** Lands which possess wilderness characteristics which would normally qualify them for designation within the National Wilderness Preservation System but contain temporary non-conforming or incompatible conditions (such as structures or roads) or uses (such as in-holdings, valid mining claims or operations) which prevent their being immediately designated as wilderness. These lands may be identified as "potential wilderness" in NPS wilderness proposals, wilderness recommendations, and within legislation designating other portions of a park as wilderness. Designated potential wilderness should be converted to designated wilderness once the non-conforming uses have been extinguished by publishing a notice in the Federal Register ("Cessation of Certain Uses" statement).

**Proposed Wilderness:** A suitable wilderness area that has been studied by the NPS that has been submitted as a proposal by a park or a region to the Director but has not been approved by the Department of the Interior.

**Recommended Wilderness:** A suitable wilderness area that has been studied and proposed by the NPS, recommended for wilderness designation by the Secretary to the President, and then transmitted by the President to Congress. Once approved by the Secretary, the area can be considered recommended wilderness for management purposes.

**Suitable Wilderness:** An area that possesses the qualities and character, as identified within the Wilderness Act, which would qualify it for designation within the National Wilderness Preservation System. An area where, based upon a wilderness suitability assessment, the Director has approved the determination of suitability for wilderness designation.

**Wilderness Area:** Federal land designated by Congress as a component of the National Wilderness Preservation System.

**Wilderness Study Area:** Acreage that has been determined to be suitable for wilderness designation through the completion of a wilderness suitability assessment and determination of approved by the Director.

**Wheelchair:** An electric or manual device designed solely for use by a mobility-impaired person for locomotion which is suitable for use in an indoor pedestrian area (ADA definition).